THOUGHTS

ON THE

PRESENT STATE OF AFFAIRS

WITH

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AMERICA,

AND

THE MEANS OF CONCILIATION.

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THOUGHTS

ON THE

Preſent State of Affairs with AMERICA,

AND

THE MEANS OF CONCILIATION.

THOSE who have any enthuſiaſm with reſpect to publick matters, and who feel in their own minds a ſtrong and clear conviction, with regard to any important public queſtion, are apt to ſuppoſe, that men who profeſs to entertain a contrary opinion, are influenced by ſome baſe, factious, or corrupt motive. They make no allowance for thoſe natural cauſes of difference of opinion, which have exiſted in all ages. They will not condeſcend to argue patiently with ſuch men, ſtill leſs will they ſuffer themſelves to ſuppoſe, that their own ideas may be in ſome degree erroneous, and that the truth may lie between the two oppoſite ſentiments.

When civil diſputes have gone ſo far, as to put arms into the hands of each of the parties, the power of argument is then completely at an end.

The agitation of violent paſſions confirms more powerfully each of the parties in their firſt prejudices; and, until ſome great calamity or ſome great and unavoidable danger occaſions a pauſe, the voice of reaſon will in vain endeavour to make itſelf heard.

The great queſtion which has for many years agitated this country, concerning America, and has lighted the flames of civil war, affords a convincing proof, with how much violence perſons of the firſt abilities, are capable of embracing the oppoſite ſides of doubtful public controverſy, at the ſame time that it furniſhes an intereſting example, how very little mere force, is calculated to convince the underſtandings, or to remove the prejudices of mankind; and though much has been wrote and ſpoken upon the ſubject, on both ſides of the Atlantic, it ſeems to me, that neither ſide have hitherto allowed a ſufficient degree of weight to the arguments of their opponents, nor has the queſtion, hitherto, been treated with that calmneſs, which promiſed to diſcover the truth, or with that impartiality, which was calculated to reconcile the natural prejudices of contending parties.

Thoſe who have at all accuſtomed themſelves to reflection, are inclined on every occaſion, to ſuſpect the fairneſs of arguments, which are urged with too much zeal. In the preſent great diſpute, the love of Liberty, natural to a Briton, and the principles in which I have been educated, on the one hand, and my attachment to Great Britain, where my property, and all my friends and

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connexions are ſituated, on the other; have all along balanced my mind in ſuch a manner, as to prevent, I truſt, my running into the extremes of either party; and as I feel myſelf incapable of being influenced by any baſe motive, ſo my care to avoid political connexions of all kinds, has, I hope, preſerved my underſtanding, in ſome degree at leaſt, from being warped upon this occaſion. If, therefore, my talents were equal to the taſk, of canvaſſing properly this great queſtion, there is nothing to obſtruct my doing it in a fair, candid, and impartial manner.

The late events in America ſeem to have occaſioned ſome degree of pauſe; and I hold it to be the duty of every impartial man, to ſeize that favourable moment, of laying before the public ſuch lights, as he may think of ſufficient importance to call for their attention.

The ſentiments which I ſhall deliver, are the reſult of my own reflections, without a view to ſerve either thoſe who are in, or out of office, but with a very ſincere deſire, to ſerve my country in general; and whatever reſpect I may entertain, for many gentlemen who have enrolled themſelves on either ſide of this queſtion, that reſpect ſhall not prevent me, from canvaſſing the ſubject with the utmoſt freedom.

In treating of this important matter, I will begin with a review of the grounds which have induced the Americans to take up arms, and will conſider whether a ſufficient weight has been allowed to theſe motives, on the part of Great Britain. I will

then examine the grounds and motives of Great Britain, for rejecting the claims of the Colonies, and inſiſting on the full and uncontrolled exerciſe of Legiſlative Power in America; and whether the Americans have given due weight, on their part, to theſe motives. This examination of the ſubject, will naturally ſuggeſt the reaſonableneſs and practicability of a reconciliation, by which each party will depart in ſome degree from their pretenſions.

I believe there is now no doubt, that the true motive which has united ſo great a part of the Americans in the preſent conteſt with Great Britain, is the claim of Britain to a power of taxing them by the Parliament here, and of altering their Charters of Government, without any application for that purpoſe from themſelves, by the ſole power of our Legiſlature. If any man doubts that this is the caſe, let him recollect, that, before the æra of the Stamp Act, there was no inſtance of any general combination in America, to reſiſt the authority of this country; that ſuch a general combination did immediately take place, after the paſſing of that act, an agreement, I think, was entered into by moſt of the Colonies, not to import or to conſume any of our goods or manufactures; but ſo ſoon as the Stamp Act was repealed, that combination, and the non-importation agreement was diſſolved, and great rejoicings were made in conſequence of that repeal, in almoſt every part of America. At that time many pamphlets were publiſhed in America, diſcuſſing the

the right of this country to tax them, and pointing out the conſequences which might follow, from the admiſſion of ſuch a right. And ſo ſoon as a new attempt was made by the Act 7th of His Majeſty, to impoſe another tax upon tea and other articles, the ſame ſort of general combination followed, and the pamphlet, intitled "Letters from a Pennſylvania Farmer," aſcribed to Mr. Dickenſon, was eagerly and univerſally read. But when all theſe taxes, except the tax upon tea, were repealed in 1770, and ſtrong aſſurances were given, in the name of Government, by the Earl of Hillſborough's circular letter to each of the Colonies, that it was the determined reſolution here, to impoſe no new taxes upon them, the ſecond importation agreement was gradually diſſolved, though, as the tea tax was not repealed, ſome of the moſt zealous Americans endeavoured ſtill to keep it on foot: but the general good ſenſe of the people, when their fears were quieted, prevailed then (as I hope and truſt it will do now), and harmony was reſtored. No attempt was at this time made, to alter the Charters of the Colonies, and therefore it does not appear, that their fears were excited with reſpect to that important point; but the immediate effect in America of the Bill for altering the Charter of the Maſſachuſet's Bay, is a proof of their ſentiments concerning the conſequences of ſuch a power, veſted in the Parliament of Great Britain.

I ſhall

I ſhall hereafter take notice of the arguments of thoſe who contend, that the Americans had long ago formed the plan of rendering themſelves independent of Great Britain, and that the fear of parliamentary taxation was not the motive, but the pretext for taking up arms againſt this country. At preſent I ſhall take it for granted, that our claims to a right of taxation, and of altering their charters of government, were the true motives of the American reſiſtance, and ſhall conſider what degree of juſtification ariſes, from the apprehenſion which they might fairly entertain concerning the exerciſe of theſe powers.

When the American Colonies were ſucceſſively ſettled, they each obtained from the Crown, charters, eſtabliſhing a form of civil government; which, though differing a little from each other, yet in all, reſembling very much the Conſtitution of Great Britain. They had each an aſſembly choſen by the people, a Council reſembling our Houſe of Lords, and a Governor repreſenting his Majeſty. By the united concurrence of theſe three branches, laws were made, which had force to bind all the inhabitants of the reſpective Colonies, and taxes were by them impoſed; but no law or act of their Legiſlature could continue valid, unleſs confirmed by his Majeſty in council. By this laſt check, Great Britain was ſecured, that no act prejudicial to this country could have the force of a law; for, if his Majeſty had been adviſed by his Privy Council, to give his aſſent to any

any ſuch improper act, there can be no doubt, that thoſe members of the Privy Council, who gave ſuch advice, might have been called to account by Parliament, and ſubjected to impeachment, as well as for adviſing any other abuſe of the royal prerogative.

On the other hand, by this ſpecies of conſtitution, the Colonies were poſſeſſed of a controul, ſituated upon the ſpot, and placed in the hands of the repreſentatives of the people, upon the Governor or executive power in each Colony. They had alſo a general controul upon the adminiſtration of juſtice; and the ſame ſort of general ſuperintending and inquiſitorial power, for controlling public abuſes of all kinds, which belongs to the Houſe of Commons in this country; and the members of Aſſembly claimed, and by uſage actually enjoyed, all the perſonal privileges within each Colony, which belong to the members of the Britiſh Houſe of Commons.

Every perſon who has at all conſidered the Conſtitution of this kingdom, muſt know, that the eſſence of the liberty of a Briton, conſiſts in the controlling power of the two houſes of Parliament, without which, the prerogatives neceſſarily veſted in the Crown, and the neceſſary diſcretionary power veſted in thoſe who adminiſter juſtice, would, in ſpite of the beſt laws, and in ſpite even of the controul of juries, that ineſtimable inſtitution, perpetually tend to abuſe, and that Britons would otherwiſe feel in ſome degree, that degrading

degrading anxiety, which, in other countries, debaſes the human mind, under every ſpecies of abſolute Government.

One of the moſt material ſupports of the controlling power of the Houſe of Commons in this country, is its power over the public purſe, and that no money can be levied upon the people without the vote of that houſe; and though a very great revenue in taxes is now eſtabliſhed by permanent acts, for the intereſt of the public debts, and other taxes to a large amount are granted to his Majeſty for life, as the expence of his civil liſt; yet the land tax and the malt tax have never been granted as a perpetuity, and for a long time paſt, theſe taxes have only been voted annually. Without the grant of theſe, Government, on its preſent footing, could not go on; for though, in times of peace, the taxes eſtabliſhed for the intereſt of the public debts, afford a ſurplus called the Sinking Fund, which comes into the Exchequer annually without any new vote; yet that money could not be applied by Government, to any other purpoſe than the payment of part of the public debts, without conſent of Parliament; neither would that ſurplus, if ſeized illegally by the executive power, be ſufficient to pay the expence of the loweſt peace eſtabliſhment.

His Majeſty is therefore under the neceſſity of calling both Houſes of Parliament together annually, in order to have the land and malt tax voted; and when they are called, they have a right

to inquire into all abuſes, and to refuſe voting the money until theſe abuſes are redreſſed.

In former times, the dignity of the Crown was ſupported by the revenue of the Crown lands, and the hereditary revenues to which the King, as feudal Lord, was intitled. During that period, the Crown was not under the ſame neceſſity, as now, of calling Parliaments annually together, in order to obtain the neceſſary grants of money; and accordingly it often happened, that Parliaments were not called for many years; by which means, they were deprived of the opportunity of redreſſing grievances, or of enquiring into abuſes. The alienation of the Crown lands, and the abolition of the feudal tenures, has undoubtedly put the Crown more in the power of Parliament than formerly; but as that dependance has obliged the Miniſters of the Crown, to pay more attention to the ſecuring a conſtant majority in Parliament, the burdens of the State have undoubtedly been thereby greatly increaſed, and this country, pays enormouſly, for the change which has happened, in the mode of exerciſing the influence of the Crown, which formerly conſiſted in prerogative, but now conſiſts in the influence of Miniſters upon the particular Members of both Houſes, and upon the Electors of the Houſe of Commons.

I do not however adopt the idea of thoſe, who ſeem to think, that the corruption of Parliament has ariſen to ſuch a pitch, that it has become merely an engine in the hands of Government. There are, I truſt, a great majority in both Houſes,

who would reſiſt with the ſpirit becoming free-men, any direct attempt in the Miniſters of the Crown to overturn the liberties of this country; and I believe and truſt, that there is a ſtill greater majority in the kingdom, who would, upon a like occaſion, diſcover their reſentment in ſuch a manner, as would make the Members of the Legiſlature, as well as the Miniſters of the Crown, tremble for their own ſituation. I do alſo firmly believe, that the general voice of the nation, will for a long, and I hope for a very long time, controul the proceedings of Parliament, in ſpite of any corruption of the Members, eſpecially, whilſt our ſtanding army is reduced in time of peace, and is compoſed of native troops, and commanded by gentlemen of property; and that the ſpirit of our Militia is preſerved. But at the ſame time, I acknowledge, and every man muſt feel, that the influence of the Crown upon Parliament, is already an alarming circumſtance, and that the expence of conducting Government upon that plan is enormous; and as the progreſs of deſpotiſm in this country, by the road of influence, is likely to be ſlow and almoſt imperceptible, there is reaſon to fear, that it may not therefore excite a general alarm, till it be too late; nor can it eſcape obſervation, that the ſtanding army of France is almoſt entirely compoſed of national troops, and is commanded by the beſt families in the kingdom; and that in ſeveral inſtances in ancient times, and at preſent in Sweden, Denmark, Ruſſia and Pruſſia, an army of national troops, has the care of thoſe

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chains, which are wreathed round the necks of their unfortunate fellow-ſubjects.

At preſent, undoubtedly, this country enjoys a degree of liberty, which may excite the envy of the whole world: but perhaps there are few amongſt us, who have duly conſidered, that whatever part of our freedom ariſes from the controul of Parliament, depends upon ſo ſlight a circumſtance, as that which I have already mentioned, namely the neceſſity the Crown is under of calling Parliament together, in order to vote the Land and Malt tax annually, and the Mutiny Bill, which neceſſity would not exiſt, if theſe acts were made perpetual, or to endure for the life of the King. When theſe bills paſs annually in the Houſe of Commons, they are conſidered ſo much as a matter of courſe, that unleſs an augmentation of the Land tax, or other alteration, is propoſed, few members give their attendance in the Houſe, and a ſtill ſmaller number give any attention to a matter of ſo much real conſequence.

The American aſſemblies did not indeed enjoy the ſame degree of controul upon the executive power here, becauſe the Government of Great Britain could go on, although they were never called together. But as their grants of money for their own internal government, were annual, as the ſalaries of their Judges and Governors, conſiſted in part, till lately, of annual grants made by the reſpective aſſemblies; and as therefore the public buſineſs of the province, could not well go on, without their being annually called together, they had

enjoyed that advantage, with very little interruption, till the commencement of the preſent conteſt.

The effect which this controul produced upon the proſperity of the American Colonies, has been very remarkable. They have gone on encreaſing in wealth and population, in a manner never before experienced in the world, becauſe they enjoyed a degree of happineſs and liberty, which, in provinces diſtant from the ſeat of Government, has no example in any former age.

Neither this happineſs, nor this ſucceſs, was the child of accident; they have had Governors of all tempers and of all deſcriptions, but the happineſs of the people has notwithſtanding been very little interrupted, and their progreſs in almoſt every kind of improvement has hardly met with any check. This can only be aſcribed to the excellent nature of their government, ſo happily contrived for controlling all abuſe in the executive power, and ſo well fitted to eſtabliſh, from time to time, every kind of uſeful inſtitution for the intereſt and happineſs of the people.

It has been ſaid by a political party-writer, that theſe aſſemblies were to be conſidered in no other light than as corporations or veſtries in England, which have power to make bye-laws, and to levy money for certain purpoſes, but have no pretext to a power independent of the Britiſh Parliament.

The queſtion of their right to an independent power, will be conſidered in another place; it

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is ſufficient here to obſerve, that even if it were to be admitted, which is far from being the truth, that they deſerved no better name than that of a Veſtry, they were Veſtries which communicated to the inhabitants of each reſpective Colony, the ſame ſort of freedom and ſecurity, and the ſame ſort of controul upon the executive and judicial powers in that country, which the Parliament of Great Britain or the parliament of Ireland, communicate to the inhabitants of theſe iſlands.

There can be no doubt, that the parliament of Great Britain had paſſed many laws to bind America; they had impoſed duties upon goods imported into theſe Colonies, and had ſubjected their trade to many reſtrictions; they had even, in ſome few inſtances, impoſed taxes upon them which may be called internal, though I recollect only that of the Poſt Office. And it ſeems to me an undeniable propoſition, that before the year 1754, it did not occur to Great Britain on the one hand, nor to America on the other, that there was any reaſonable doubt, of the univerſality of the power of the Britiſh Parliament, to bind the Colonies in all caſes whatſoever, although that power, except with regard to matters of trade, had been uſed very ſparingly. I am aware of what paſſed in the reign of King William, and alſo that at different times ſome of the Colonies had claimed an exemption from the power of Parliament, and that ſome of our ſtatutes had not been ſtrictly executed there; but we never had admitted

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theſe claims, and the Colonies had certainly acquieſced.

In the year 1754, however, the matter underwent a very ſerious diſcuſſion. The common danger of the Colonies from the impending French war, occaſioned a meeting at Albany, of Commiſſioners from many of the Colonies, who formed a plan, for eſtabliſhing a Grand Council, of members to be choſen by the ſeveral Aſſemblies, which, with a Governor General to be appointed by the Crown, ſhould be empowered to make general laws to raiſe money in all the Colonies for the defence of the whole. This plan was ſent to Government here, for approbation. The plan was not approved; but a new one was formed in place of it, by which it was propoſed, that the ſeveral Governors, and one or two members of each Council ſhould aſſemble, and be empowered to determine on proper meaſures for the common ſafety, and to draw upon the Treaſury of England for the neceſſary expence, and that the Treaſury ſhould be reimburſed by a tax upon America, to be impoſed by the Britiſh Parliament. This new plan was communicated by Governor Shirley to Dr. Franklyn, then at Boſton, who having delivered his ſentiments upon it in converſation, he was deſired by Governor Shirley, to commit to writing the particulars which he had ſtated in that converſation. This he did in a letter addreſſed to the Governor, which occaſioned a ſecond converſation and a ſecond letter. Theſe letters were no doubt tranſmitted home by Governor Shirley,

Shirley, and I dare ſay will be found in the proper office here, and the effect of them was, that no mention was made of taxing America during that war. A Congreſs was afterward authoriſed to meet, and ſeveral requiſitions for aids were made in name of the Crown to the American aſſemblies, which were complied with, in a very liberal manner. The letters were afterwards publiſhed in the London Chronicle of 8th February 1766, and have ſince been republiſhed in a French Edition of Dr. Franklyn's works. I have now ſubjoined them in the Appendix.

In theſe letters, the American objections to their being taxed by the Britiſh Parliament, are fully, ably, and clearly ſtated; and thoſe who read them with attention, will probably think, that hardly any thing new has ſince been ſuggeſted upon that ſubject.

The ſubſtance of the argument contained in the letters is, that the Americans, by the reſtrictions impoſed upon their trade, did in fact contribute their proportion to the general public expences: That therefore any farther taxation would be unjuſt: That they are not repreſented in the Britiſh Parliament, and therefore the power of taxing them could not be ſafely truſted there: That their own aſſemblies were competent to the power of taxing them, and being choſen by themſelves, were not likely to abuſe that power: That the compelling the Colonies to pay money without their conſent, would be like raiſing contributions in an enemy's country,

try, and would be treating them like conquered people, and not as true Britiſh ſubjects.

Theſe papers prove beyond diſpute, that the American objections to parliamentary taxation, were not firſt ſuggeſted by factious men here, but were the reſult of ideas, which naturally occurred, from a conſideration of the ſubject, amongſt themſelves. Dr. Franklyn had indeed been in England in his early youth, but returned to America in 1728, long before this queſtion was ſtarted, and reſided in America till about the year 1758. The light which the Earl of Chatham may have derived from theſe letters, will, perhaps, account for the line of conduct which he obſerved, in avoiding all attempts to tax America, during the war of 1756, though that war was conſidered, as undertaken chiefly, on account of our American Colonies, and alſo for the oppoſition which he gave to that meaſure, when propoſed by Mr. Grenville, and for the uniform ſentiments which he has entertained concerning it ever ſince.

Having premiſed theſe obſervations, let us conſider the merits of this queſtion, a little more cloſely.

It muſt appear, I acknowledge, at firſt ſight, an extraordinary propoſition to an Engliſhman, that there ſhould be any bounds to the power of King, Lords, and Commons, which, from his infancy, he has been taught to conſider as ſupreme; and it will be difficult for him to admit, that the Parliament of England, which has protected the liberties of this country, and has exerciſed without

controul the power of taxing us, ſhould not be conſidered, as fit to be truſted, with the power of taxing the Colonies; that when ſo great a part of the inhabitants of this kingdom, are taxed without being repreſented, the Americans ſhould pretend, that the ſame practice ought not to extend to them, and that they can be well-founded, in maintaining ſo dangerous a doctrine, as that the ſupreme power of the State is limited in its authority, and the unity of empire deſtroyed, with reſpect to a particular part of that State, and with reſpect to a part too, which was conſidered as very unequal to a conteſt with the whole.

But the beſt method of judging fairly, in queſtions with others, is to put one's ſelf in the oppoſite place.

Let us fairly conſider, for what reaſon it is, that the Britiſh Parliament has been truſted, almoſt without complaint, for ſo many ages, with the power of taxing the *unrepreſented* part of England, in order to ſee, if the ſame reaſon will apply to America; for I do not deny, that Parliament does in this iſland, tax great bodies of people who are not repreſented; and I alſo admit, that the actual repreſentation of the people of Great Britain is very far from being perfect. It may be true, in ſome meaſure, that every foot of land is repreſented; but when we conſider, that the whole counties of England ſend only eighty, and Scotland thirty, and Wales twelve Members to Parliament, out of five hundred and fifty-ſix, the total number of the Houſe of Commons; it is in vain to argue,

that the people of England are repreſented in a proper manner, by thoſe who are elected by the owners of land; and as the Conſtitution has allowed a numerous ſeparate Repreſentation for the towns, it may be fairly ſaid, that all thoſe conſiderable towns which ſend no Members, ſuch as Mancheſter, Birmingham, Halifax, &c. and a great part of our people beſides, are not repreſented in Parliament.

But the true reaſon, why ſo little inconvenience has been hitherto felt, from this defect or inequality of Repreſentation, muſt, I apprehend, be deduced from a circumſtance, which, ſo far as I know, has never been ſufficiently attended to, by any political writer, and which, though eſtabliſhed by no law, is of the utmoſt importance in this Conſtitution. I mean the *uſage* of Parliament, by which it impoſes all taxes in a general manner, ſo as not to tax any particular diſtrict or part of the kingdom, while other parts of the kingdom are not taxed; but impoſes the tax on all perſons poſſeſſing the property, or conſuming the taxed commodity, in whatever part of the kingdom they reſide. The Land Tax, and Window Tax, for example, are impoſed upon all the land and windows of England, in whatever county ſituated, and are not impoſed on Yorkſhire alone, whilſt all the other counties pay nothing. In like manner, the Malt Tax is not impoſed on the malt made in one county only, but on all the malt made any where in England. The duties of Cuſtoms affect the importation and exportation of goods at every

place,

place, and the duties of Exciſe extend to all exciſeable goods in every part of the kingdom. There are many inſtances indeed of ſpecial Acts of Parliament, obtained upon petition of the inhabitants, by virtue of which duties are levied in particular places, and not elſewhere; but the money is, in ſuch inſtances, directed to be applied to public purpoſes in that particular place, which precludes any objection to the tax. I believe, however, there is an inſtance or two, of duties levied at the port of London, particularly on coals, which duties are not levied in any other ports of the kingdom; and yet the produce of the duties is not appropriated to public purpoſes within London or Middleſex, and I am not at preſent able to explain the reaſon of that deviation from the general rule. But the uſage, as to all public taxes for the exigencies of the State, may, notwithſtanding, be conſidered as univerſal; namely, that they are not confined to any particular place, but are general over the whole kingdom.

The effect of this uſage, with reſpect to the point in queſtion, is of much more conſequence than may at firſt ſight appear. Though Manchester and Birmingham, for example, are not repreſented; yet, as the tax which affects them, is at the ſame time impoſed upon all the places in the kingdom which are repreſented, if the tax were grievous and oppreſſive, it would excite a general diſguſt, and the voice of the people in general, being againſt it, would check and controul, not only the

 error,

error, but even the corruption of Parliament. I do not lay much weight in this caſe upon another circumſtance, that, by the *univerſality* of the tax, it muſt affect the Members of Parliament themſelves, who vote for it; becauſe it is impoſſible to diſguiſe, that as things now ſtand, the majority of both houſes may enjoy ſuch emoluments from the Crown, as will more than compenſate their particular ſhare of the tax; but as they will not only tax themſelves, but their conſtituents, and not only their conſtituents, but the whole body of the people, an irreſiſtible check muſt thence ariſe, to every remarkable abuſe of the power of taxation, until, by the means of a numerous ſtanding army, the liberties of the people are entirely at an end.

The effect of this check, ariſing from the univerſality of all taxes, operates, we know, with reſpect to Scotland, which certainly could not otherwiſe be protected, by ſo ſmall a repreſentation as forty-five Members out of five hundred and fifty-ſix; nor by the ſtipulation made at the Union, by which the amount of the land tax is in ſome degree limited as to that country. That limitation is not abſolute, ſo as to prevent the land tax from being ever increaſed; but is wiſely contrived in ſuch a manner, as to render the Engliſh Members, the protectors of Scotland; for it was ſtipulated, that when the land tax in England ſhould amount to 1,997,763*l.* 8*s.* 4½*d.* the land tax in Scotland ſhould be only 48,000*l.* free of all charges, by

which means, though that tax may be increaſed, yet no ſuch increaſe can be made, without, at the ſame time, a proportional increaſe in England.

If Parliament ſhould deviate from this uſage, and ſhould attempt to tax Yorkſhire, for example, when no other county was taxed, every one muſt ſee, that the thirty members ſent from that county, could afford to it, very little protection againſt the remaining five hundred and twenty-ſix Members which compoſe the Houſe of Commons; and the tax would be unjuſt, becauſe in voting ſuch a queſtion, the other Members could in no ſenſe be conſidered as *virtually* repreſenting Yorkſhire, their intereſt not being the ſame with that of Yorkſhire, but directly oppoſite; for by taxing Yorkſhire, they would diminiſh the burden upon themſelves and upon their conſtituents.

But although the protection of any particular part of the kingdom, againſt the proceedings of Parliament, is not ſo much founded on the votes of the actual members ſent from thence, as upon the univerſality of the proceedings of Parliament, which therefore naturally unites, not only all the Members, but the whole kingdom, in oppoſing what is wrong; yet repreſentation is, on many other accounts, of great moment to thoſe places which elect Members, for it immediately and intimately connects each individual of the electors, and all their friends and even acquaintance, with the repreſentative and his friends, and thereby ſecures to them a degree of protection from injury and oppreſſion, which, with reſpect to the inferior

rior orders of mankind, exists no where else in any quarter of the globe. This sort of protection extends much wider in England than it does in Scotland, because in England the right of voting descends to a much lower class; and, accordingly, the common people of England have evidently stronger feelings of independence, than those of other countries.

These are some of the great advantages, which the inhabitants of this island derive from representation in Parliament. In the considerable towns, which send no Members, there are always great numbers of voters for the surrounding counties, or for other towns which send members, who communicate protection to the rest, and the whole representatives of England, are to them a protection, against exorbitant taxation.

But if America were to be taxed by a British Parliament, would that country enjoy the same protection, and are the Members of the British House of Commons to be considered in any respect as virtual representatives of that country?

The system of laws concerning the trade of America has deprived them of many of the important advantages of Englishmen, and therefore we could not, without injustice, impose upon them the same taxes to which we ourselves are subject. Indeed, by compelling them in a manner to take our goods at our own price, and obliging them to send their goods here, to be sold in effect at our price, we lay upon them a large share of our taxes: but as we cannot justly extend to them,

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the ſame taxes which we impoſe upon ourſelves, whilſt we deprive them of an equal privilege in trade, if we were to tax them further, we muſt do it by a ſpecial tax to be levied in America only, and no part of it to be levied on ourſelves. Inſtead therefore of a common intereſt in our five hundred and fifty-ſix Members of Parliament, to protect them from taxation, our whole body of repreſentatives would have a common intereſt to tax them, in order to leſſen the burden on ourſelves. No murmurs from England can be expected to ariſe, upon occaſion of any new tax to be paid by America, but on the contrary an univerſal joy and approbation. No member would run the riſk of offending his conſtituents, or of loſing his ſeat, by voting for ſuch a tax; he would read in the countenances of his friends and acquaintance, no marks of diſapprobation; he would ſee in his neighbourhood no ſymptoms of the miſchiefs ariſing from the moſt oppreſſive taxes; the cries of the Americans, from beyond the Atlantic, would hardly reach his ears; and as he is not elected by them, there cannot exiſt that connection, which would bind him to afford any individual, his protection from the moſt illegal inſult and violence.

This is not all; if the practice of taxing America here had been once firmly eſtabliſhed, does any man doubt, that the executive power, the governors, judges, and officers of all kinds, would ſoon have been rendered entirely independent of the people and aſſemblies of that country, ſo as to leave their conduct without any controul exiſting there.

there. Many ſteps had been taken with that view, whilſt our right of taxation exiſted only in idea, and we had eſtabliſhed Courts of Admiralty, and of Vice Admiralty, for the trial of a great variety of cauſes, without the controul of a jury, founded on a ſuſpicion, that our Government was ſo diſagreeable to the people, that juries there were not to be truſted, but would perjure themſelves, rather than give verdicts agreeable to truth and juſtice.

Can it be doubted, that if we had eſtabliſhed the power of raiſing money in America by our own votes, we would ſoon have found, that the Provincial Aſſemblies were nurſeries of faction, and that they tended only to clog the wheels of Government? Is it to be ſuppoſed, that our Governors would have wiſhed to preſerve ſuch a check upon their own proceedings; and would we not have liſtened more readily to the repreſentations of our Governors, than to the remonſtrances of a helpleſs unprotected people?—Would not the conſequences have been, that, by degrees, the calling of aſſemblies in the Colonies would have been entirely diſcountenanced; and would not then a degree of deſpotiſm neceſſarily have enſued, in every part of that continent? Every object of ambition in that country would have been at an end; the conſciouſneſs of ſecurity, and of independence, which is the pride and glory of free men, would have been baniſhed from every breaſt; the diſpoſitions and principles, the baſeneſs, treachery, cowardice, and indolence, which are the

the children of deſpotiſm, would ſoon have diffuſed themſelves over every part of that unhappy country.

It may be ſaid, that no deſpotiſm could have been eſtabliſhed there, becauſe they would ſtill have enjoyed the laws of England; but what are the laws of England, without the check of Parliament upon the executive and judicial powers, and without the protection of juries; and is it certain, that we would long have ſuffered them to enjoy the laws of England? Had we not already, in a great meaſure, deprived them of juries, in queſtions with the Crown, by means of our Admiralty Courts? Have we not deprived the inhabitants of Canada of juries, except in criminal caſes; and have we not refuſed that ineſtimable privilege to our ſettlements in the Eaſt Indies? How little care did we heretofore take, in the appointment of proper judges to be ſent to America? Of late, indeed, ſome attention had been ſhown to that department, but how ſhamefully had the prerogative been for a long time perverted, in that important and ſacred branch?

Beſides the natural tendency, which Parliament uncontrolled, would have had, to impoſe taxes on America; the Miniſters of the Crown, would, in future times, have had a peculiar incitement to increaſe the public revenue in that quarter, becauſe it would have afforded an opening for great numbers of new offices, to be enjoyed by their dependants here, and executed there, by half ſtarved and rapacious deputies.

It ſeems to me, that America, under ſuch a ſyſtem, muſt have ſtood in the ſame ſituation with reſpect to this country, in which the people of England would have ſtood with reſpect to the Crown, if the claims of Charles the Firſt, to levy money by his own authority, had prevailed. They would have been ſubject to be taxed by a power which had no natural check or motive to ſpare them, except what might ariſe from humanity and indulgence. It was argued for Charles the Firſt, that the Parliament was factious; that it obſtructed the public ſervice; that his Majeſty could not be inclined to oppreſs his people, ſince his own glory and proſperity was connected with theirs; that his Privy Counſellors, and thoſe appointed by him to high offices, would naturally be choſen from amongſt the principal men in the kingdom, who could not be ſuppoſed to concur in any thing injurious to the ſacred liberties of their country; that the right of the Crown to levy ſhip-money, was eſtabliſhed by innumerable precedents, and was not a new right; and that, therefore, thoſe who contended againſt it, were merely a ſet of fanatical factious men, who wiſhed to make themſelves of importance to the prejudice of the eſtabliſhed conſtitution of the kingdom. Theſe ſort of arguments had at that time ſuch weight, that they impoſed on the underſtandings of a great part of the kingdom, and the pretenſions of Charles the Firſt were ſupported by a large proportion of the Engliſh nobility. Fortunately, however, theſe pretenſions did not prevail,

vail, and the excluſive right of Parliament to grant the money of the people, was vindicated, though not without the effuſion of torrents of blood.

It will make little difference, that in this caſe it is not a ſingle perſon, under the title of King, who claims the power of levying money on the Colonies, but the united power of King, Lords, and Commons; for, with reſpect to America, that united body of men ſtand exactly in the place of one Monarch; they are as much diſengaged from all check or controul, ariſing from the perſons who are the objects of taxation, as Charles I. was with reſpect to the people of England; and the experience of mankind has ſhewn, that free ſtates have often exerciſed a more cruel and relentleſs tyranny, over other ſtates ſubject to their dominion, than has been uſually practiſed by a ſingle Monarch. Our own hiſtory proves, that the conduct of thoſe great defenders of freedom, who eſtabliſhed the Revolution, was not a little deſpotic, with reſpect to America.

Such then was the proſpect of America, if they had patiently ſubmitted to Parliamentary taxation; and I think I can appeal to the breaſt of every honeſt Engliſhman, whether, if he had been ſettled in America, and had viewed the matter in this light, he would not have ſacrificed the laſt drop of his blood, rather than have ſubmitted to ſuch a claim.

That the true ground of diſtinction, between our taxing the unrepreſented part of England, and taxing America, has not been heretofore ſuf-

ficiently attended to, will appear, by examining the various political tracts which have been wrote to prove our right, and the juſtice of the preſent war. Doctor Tucker, Dean of Glouceſter, has canvaſſed this ſubject very ably, in a treatiſe, lately republiſhed with four other tracts, entitled, "Letter from a Merchant in London to his Ne-"phew in America," which was wrote before the preſent civil war commenced. I have annexed, in the Appendix No. II. an Extract from that work, and another Extract from a pamphlet which has paſſed through many editions, entitled, "The "Rights of Great Britain aſſerted againſt the "Claims of America, being an anſwer to the De-"claration of the General Congreſs." In neither of theſe ingenious publications, is any notice taken of this important diſtinction, though every other argument, which either has been, or perhaps can be urged in favour of America, is very fully and learnedly diſcuſſed.

Mr. Grenville too, in the Houſe of Commons, when he oppoſed, out of office, the repeal of the Stamp Act, appears, by the printed account of his Speech, to have defended the ſyſtem of taxing America, upon no other ground, than the power of Parliament to tax the *unrepreſented* part of England. The Earl of Chatham, indeed, in the rapidity of a reply, ſlightly touched the diſtinction, in one ſentence, but did not, I think, dwell ſufficiently upon it, to bring it home to the feelings and underſtandings of the nation. His words, in anſwer to Mr. Grenville, as printed, were theſe,

"The

" The Gentleman tells us of many who are taxed " and are not repreſented. The India Com- " pany, Merchants, Stockholders, Manufacturers. " Surely many of theſe are repreſented in other " capacities, as owners of land, or as freemen of " boroughs. It is a misfortune that more are " not actually repreſented. *But they are all Inha-* " *bitants, and, as ſuch, are virtually repreſented.* " They have connections with thoſe that elect, " and they have influence over them. The gentle- " man mentioned the Stockholders. I hope he " does not reckon the debts of the nation as a " part of the national eſtate. ——"

That the Americans, however, felt the full force of this objection, though they have not ſtated it in words, there can be no doubt. The queſtion was ſtirred in 1754, and the dangerous conſequences explained by Dr. Franklyn, reſiding in America, long before the Stamp Act. That ſubſequent attempt, by Mr. Grenville, in 1764, recalled their attention to it, and it was diſcuſſed in many printed pamphlets, and in moſt of their news-papers. It is well known, that the loweſt claſs of people in America, are taught to read, and that publications concerning public matters, which being untaxed are cheaper there than here, are univerſally diſperſed. In ſuch a country, it was eaſy to intereſt every man, from the higheſt to the loweſt, in a queſtion of ſuch infinite importance to all; and this ſeems to account ſufficiently for the united and perſevering reſiſtance, they have hitherto ſucceſsfully made.

Whether

Whether from the amazing force of this country, we might not have ſuddenly overwhelmed them, if the degree of reſiſtance had been foreſeen, is a queſtion, which it is not neceſſary for me to diſcuſs, my object being only to examine the grounds they had for that reſiſtance.

But it may be ſaid, that if it is admitted, that Parliament had always exerciſed a ſupreme authority over the Colonies, it is not a ſufficient ground to overturn an eſtabliſhed right, to aſſert, that ſuch a right is liable to abuſe, and that good reaſons can be given why it ought never to have exiſted.

I allow that this argument has great weight, becauſe a contrary doctrine would unhinge moſt of the Governments which now exiſt in the world; but in the preſent caſe, the exerciſe of taxation, with the expreſs view of raiſing a revenue in the Colonies, was an *innovation*; the Colonies had not acquieſced in it; the matter came to be diſcuſſed upon the firſt avowed attempt; they ſaw the danger, and as it was contrary, in their apprehenſion, to the ſpirit of the Conſtitution, which in this iſland has eſtabliſhed conſtitutional checks upon thoſe who impoſe public taxes, it is not to be wondered that the Americans reſiſted the claim. The right of Charles I. to levy ſhip-money without the conſent of Parliament, was much better founded in precedent, than our right to tax America; but our anceſtors wiſely thought, that even theſe precedents, however ſtrong, could not ſupport a power which was ſo dangerous to their liberties.

But

But it has been ſaid, that the Americans had all along a ſcheme of Independence, and that our claim of taxation was only the pretext made uſe of for reſiſtance, and not the cauſe; that this was diſcovered by Monſieur Montcalm, when in Canada, as appears by his letters lately publiſhed; and that after the conqueſt of Canada, when they were relieved from the apprehenſion of the French power, their plan, which had been long meditated, was completely formed, and the ſtruggle muſt have taken place ſooner or latter; and that it was an advantage to us to bring it to a trial of force now, rather than at a later period, when their power and their reſources would have been greater; and that it was particularly fortunate for us to bring the queſtion to a determination by arms, at a time when we were at peace with all the reſt of the world.

This argument, I know, has made impreſſion on many fair and honourable minds, and therefore it deſerves a particular examination.

The following reaſons convince me, that the Americans, in general, had no deſire to render themſelves independent of the Britiſh government.

In the firſt place, it is a certain truth, that mankind are not diſpoſed to alter a government to which they have been long accuſtomed, and under which they have enjoyed felicity; but no people ever enjoyed a greater degree of proſperity and happineſs, than exiſted in America, till the idea of taxing them was adopted in this kingdom; they

ſubmitted to the laws of trade; they even ſubmitted to the Admiralty Courts, where the judges, uncontrouled by a jury, were till lately, paid by a ſhare of the condemnations. Theſe Admiralty Courts, were empowered to judge in revenue queſtions, with a view to enforce more ſtrictly the laws of trade; and we refuſed to truſt ſuch queſtions to juries, from a ſuſpicion, in my opinion, weak and ill-grounded, and rather choſe to riſk the diſguſt which might ariſe in America from the partial and intereſted determinations of very low men, whom we appointed judges, than run the hazard of a few cargoes eſcaping condemnation, by the partiality of juries, who were to give their verdicts upon oath.

With the ſame view to taxation, we determined to make the Governors and Judges independent of the Provincial Aſſemblies. Before the idea of taxation took place, it was the practice for the Aſſemblies to vote a ſalary to the reſpective Governors, and alſo to the Judges, and no inconvenience to this country was felt from it; but much good aroſe to the Colonies, from this controul over the executive and judicial powers; but when we propoſed to counteract the inclinations of the people, it became neceſſary to remove all controul upon thoſe whom we ſhould appoint to theſe offices.

The republican form of the American conſtitutions, then too, began to give us diſguſt, for, from the reign of King William till then, we had felt no inconvenience that deſerved to be mentioned

tioned from that circumſtance; and, if their conſtitutions were ſuch as gave ſatisfaction, and ſecured good order in each Colony, what motive but taxation could induce us to find fault with them?

From ſimilar motives it was, that James II. attempted to deſtroy the conſtitutions of all the corporations in England, by virtue of *quo warrantos*, becauſe he wiſhed to govern without controul. The reſiſtance made to him, and to his father Charles I. did not proceed from any previous plan of independency, but certainly aroſe from their encroachments; and yet the aſſertors of our liberties, in thoſe times, were accuſed of acting merely from ambitious views.

That the Colonies in America might have been governed with eaſe, if we had entertained proper ſentiments, is proved, to my conviction, by the following fact:—The conſtitution of the Maſachuſetts Bay is, by far, the moſt republican of any in America, Rhode Iſland perhaps excepted. It is that Colony which has always been conſidered as the moſt averſe to the Engliſh government, and to have been chiefly inſtrumental in lighting up the preſent flame in America. In that Colony not only was the Aſſembly choſen by the people, but the Council, which, in moſt of the other Colonies, is appointed by the Crown, or by the Governor, is there choſen by the new Aſſembly, and ſuch Members of the old Aſſembly as are not re-elected, the Governor having only, I think, a negative. Notwithſtanding

this is the form of the conſtitution, yet I am aſſured, by undoubted authority, that it has almoſt always happened, that the perſons ſupported by the intereſt of the Governor, have been choſen Councellors; and that in no inſtance, for many years back, was the election of the Council carried againſt the wiſhes of the Governor, except that of the laſt Council, which was choſen immediately before the Maſachuſetts Charter Bill; and, notwithſtanding the agitation of men's minds at that critical period, it required a great deal of addreſs and ſtratagem, even then, to carry the election of the Council againſt the Governor *.

Nor will this appear extraordinary to thoſe, who conſider the great weight, which the executive power always muſt have, in every country, where attention is paid to govern mankind agreeable to their inclinations. The office of Councellor was in that Colony an object of ambition, and thoſe who aſpired to obtain it, knew the importance of having the ſupport of the Go-

* The ſtratagem, I am told, was this: An eminent politician there ſuggeſted to his friends, that he thought, in the agitation which then prevailed, they might be able, by addreſs, to carry the election of Councellors againſt the Governor. He propoſed to elect Mr. Hancock Speaker of the Aſſembly; and, as he was ſure the Governor would make uſe of his negative, and reject him, the Aſſembly, he ſaid, would be inflamed, and if the election of Councellors was immediately brought on, he hoped their liſt would have a majority. This plan was followed, and the election of Councellors was carried by a ſmall majority.

vernor's

vernor's intereſt in the Aſſembly; by adding that weight to the ſcale of either candidate, the party which he eſpouſed was ſure to prevail.

The Governor had few offices of profit to beſtow, and no fund for bribery out of the public money, and yet, by common attention in managing the paſſions of men, the influence of the office of Governor was, at all times, very great in that ſettlement, though not always held by men of the firſt abilities.

2dly, The Colonies have uniformly denied this charge of independence; not only has it been denied by the Congreſs in their printed declaration, but it has been denied in ſtill ſtronger terms by the particular Colonies, Thus the Colony of North Carolina, in their addreſs to the inhabitants of the Britiſh Empire, dated 8th Sept. 1775, has diſclaimed the accuſation with evident marks of honeſt ſincerity. "We "have been told that independence is our ob- "ject; that we ſeek to ſhake off all connection "with the Parent State. Cruel ſuggeſtion! do "not all our profeſſions, all our actions, uni- "formly contradict this? We again declare, and "we invoke that Almighty Being, who ſearches "the receſſes of the human heart, and knows "our moſt ſecret intentions, that it is our moſt "earneſt wiſh and prayer to be reſtored, with "the other united Colonies, to the ſtate in "which we and they were placed before the year "1763, diſpoſed to glance over any regulations "which Britain had made previous to this, and

" which ſeem to be injurious and oppreſſive to " theſe Colonies, hoping that, at ſome future " day, ſhe will benignly interpoſe, and remove " from us every cauſe of complaint."

The Congreſs, in the declaration ſetting forth the cauſes of taking up arms, 6th July, 1775, has been alſo very explicit:—" Leſt this decla- " ration ſhould diſquiet the minds of our friends " and fellow-ſubjects, in any part of the Empire, " we aſſure them, that we mean not to diſſolve " that union which has ſo long and ſo happily " ſubſiſted between us, and which we ſincerely " wiſh to ſee reſtored. Neceſſity has not yet " driven us into that deſperate meaſure, or in- " duced us to excite any other nation to war " againſt them. We have not raiſed armies " with ambitious deſigns of ſeparating from " Great Britain, and eſtabliſhing independent " ſtates. We fight not for glory or for con- " queſt. We exhibit to mankind the remark- " able ſpectacle of a people attacked by unpro- " voked enemies, without any imputation or " ſuſpicion of offence. They boaſt of their pri- " vileges and civilization, and yet proffer no " milder conditions than ſervitude or death."

If it is ſaid that theſe declarations are not to be truſted, it cannot be denied, that they are a proof, at leaſt, that thoſe who made them thought it unſafe to declare any other ſentiments, and that therefore the great body of the people were averſe to the idea of independency, and, in ſuch a ſitua-

a ſituation, nothing but unwiſe conduct on our part, could have deprived us of the allegiance of a people ſo diſpoſed.

3dly, It is well known, that after the fate of their laſt petition to his Majeſty, and after all the acts which we afterwards paſſed, yet, when the vote of independency was propoſed to the Congreſs, it was carried by a very ſmall majority the firſt day, and on the ſecond day the votes were equal, ſo that the queſtion went off for that time.

4thly, As I know of no facts which prove that the Americans in general entertained ideas of independency, before our plan of taxation, and as they could not, I think, have any reaſonable motive for entertaining that idea, ſo there are many facts which prove the contrary. The requeſt which they made after theſe diſputes commenced, to be put upon the ſame footing as they were in 1763; and the petition of the Congreſs to his Majeſty, preſented to the Secretary of State on the 1ſt of Sept. 1775, ſeem to me convincing proofs that independency was not their aim. That petition concludes in the following manner: "We "therefore beſeech your Majeſty, that your royal "authority and influence may be graciouſly interpoſed, to procure us relief from our afflicting "fears and jealouſies, occaſioned by the ſyſtem "before mentioned, and to ſettle peace through "every part of your dominions, with all humility "ſubmitting to your Majeſty's wiſe conſideration, "whether it might not be expedient, for facili-

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" tating theſe important purpoſes, that your Ma-
" jeſty would be pleaſed to direct ſome mode, by
" which the united applications of your faithful
" Coloniſts to the Throne, in purſuance of their
" Common Councils, might be improved into a
" happy and permanent reconciliation." In ano-
ther place of the ſame Petition, they declare,
" Our breaſts retain too tender a regard, for the
" kingdom from which we derive our origin, to
" requeſt ſuch a reconciliation, as might in any
" manner be inconſiſtent with her dignity or her
" welfare."

If it be ſa[illegible]hat the Americans, in general might not aim at independence, yet, that this was the idea of many leading men amongſt them, and would, one day or other, have been the general wiſh. It firſt remains to be proved, that any ſuch men exiſted among them. It is plain that Dr. Franklyn, in 1754, entertained no ſuch notion; and, if it had been the opinion of ſome particular perſons, will any wiſe man believe, that if our government in that country had been well adminiſtered, the favourable opinions of the great body of the people, could have been perverted ſo much, as to make them renounce preſent eaſe, happineſs, and ſecurity, to purſue an uncertain phantom, which, when attained, might diſappoint their ſanguine hopes?

5thly, I think it plain, that his Majeſty's Miniſters did not believe, that independency was the general wiſh of America; and if they who had an opportunity of the beſt intelligence upon the ſub-

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ject did not believe it, I think it impoſſible that there could be any truth in the accuſation. That they did not believe it, ſeems to me, to be proved by the famous circular letter of Lord Hillſborough, after the repeal of all the duties impoſed by the act 7th of his Majeſty, except on tea, and addreſſed to the American Governors, to be communicated by them to the ſeveral aſſemblies. In that letter, the moſt poſitive aſſurances were given, that it was not the intention to impoſe any further duties upon America by authority of the Britiſh Parliament; but if the Colonies had ſeriouſly been thought to aim at independency, to what purpoſe was this declaration. If, on the other hand, it was believed, that the true cauſe of their uneaſineſs, proceeded from our claim to taxation; theſe aſſurances were proper, and calculated to anſwer a good purpoſe, as they certainly did.

If his Majeſty's Miniſters had believed independency to be a prevailing idea in America, would they have ſent ſo inconſiderable a force, as they did at firſt, under general Gage, ſufficient only to quell a few factious rioters; or would they have affirmed, as they did repeatedly to Parliament, that the friends of Government were very numerous in America, and that it was only the violence of a ſmall number of factious men, which had prevented our friends from ſhewing their inclinations? The conciliatory propoſition of Lord North, moved in the Houſe of Commons, 27th February, 1775, and the act of Parliament, empowering the Crown to ſend out Commiſſioners to

grant pardons, and with private inſtructions, probably of a more extenſive nature, would have been ridiculous, if adminiſtration had ſeriouſly believed, that the Americans in general aimed at independence.

6thly, If independence had been in the contemplation of America, can we ſuppoſe, that they would have left themſelves ſo ill provided with the means of ſupporting it, as they certainly were at the beginning of theſe confuſions?

The riot at Boſton in 1774, when the tea was deſtroyed, was merely a reſiſtance to a particular tax they diſliked, and not the reſult of any deep laid ſcheme of independence *; at the ſame time, it would not have been ſurpriſing, if the Americans had been much better prepared than they were for reſiſtance, conſideri the conduct of Parliament ſoon after the rep al of the Stamp Act, when the plan of taxation was reſumed, and the unneceſſary and unproductive tax upon tea was repeatedly refuſed to be repealed.

It ſeems unfair, to urge as a proof that they aimed at independence, the ſpeculations of philoſophers, with reſpect to the probable ſtate of America, at a diſtant period of time, when it is ſuppoſed, their numbers and wealth ſhall greatly exceed thoſe of this country. Theſe ſpeculations, however ingenious, are merely conjectural, and could not be ſuppoſed the real motives of con-

* The tea in all the other Colonies was ſent back, and was deſtroyed at Boſton, from the obſtinacy of the Conſignee, who refuſed to permit the ſhip to return to England.

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duct, in the minds of any conſiderable part of the preſent inhabitants of America.

With reſpect to the letters of Monſieur Montcalm, I believe them to be fictitious, and certainly their authenticity is by no means aſcertained. If they had been genuine, it is not probable that they would have been ſo long of making their appearance; but it was eaſy to prophecy, as theſe letters do, after the event had happened. There have been ſo many publications in France, of letters as genuine, which were afterwards diſcovered to be the mere works of imagination, that no wiſe man would chuſe to reſt his belief, concerning a point of ſo much conſequence, upon the chance that theſe letters are not invented, but real.

But it will be ſaid, their late declaration of independence, is a deciſive proof that they had no other object from the beginning. Was the republican eſtabliſhment in England, after the long ſtruggle with Charles the Firſt, a proof that the great body of the people of England took up arms from the beginning, in order to eſtabliſh a republic? If I have been ſucceſsful in ſhewing, that the Americans had juſt grounds for the moſt ſerious alarm, from our claims of a power to tax them here, to which we added, a claim to alter their charters of Government; if they had more than an intimation, by the Quebec Bill, what was the ſort of conſtitution we wiſhed to introduce in all the provinces, we have no need to ſearch further, for motives ſufficient to induce a jealous, enlightened, and high-ſpirited people, to take up

arms, without ſuppoſing that independency was ever their object. But when they found that we paid no attention to their fears and jealouſies, but that, after ſending a force to Boſton under General Howe, which was compelled afterwards to leave it, we prepared and ſent out a much greater force, and paſſed ſeveral acts of Parliament, which ſhowed our diſpoſition to reduce them to unconditional ſubjection; but above all, when not only the petition from New York was refuſed by Parliament, but his Majeſty was adviſed to reject, without an anſwer, the laſt petition of the Congreſs; it ſeems to me, that the Americans had no option left, but either to ſubmit as a conquered people, and depend on the generoſity of thoſe, who had been taught to view them in the moſt contemptible light, or to declare themſelves independent, in order to eſtabliſh ſome regular form of government amongſt themſelves, and to entitle them to treat for aſſiſtance with other powers.

From the view I have taken of the ſubject, I think it muſt appear to every man who will permit himſelf to judge without prejudice, that the objection of the Americans to their being taxed by this country, was not an unreaſonable caprice, but of a moſt ſerious and important nature; and that the Britiſh Parliament, being neither elected by them, nor impoſing at the ſame moment on themſelves and their conſtituents, the taxes they were to vote on America, had not thoſe conſtitutional checks, to prevent an abuſe of that dangerous power, which is in truth the eſſence of the

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Britiſh Conſtitution. It will alſo appear, that by the ſyſtem adopted with reſpect to the Colonies, in eſtabliſhing a monopoly of their trade, we had in fact exacted from them a proportion of our public burdens; that if we had been willing to give them a repreſentation in the Britiſh Parliament, it would have afforded them a very feeble protection, unleſs every tax impoſed upon America was to be at the ſame time impoſed upon ourſelves; that we could not, in juſtice, impoſe upon them all our own taxes, and yet tax them at the ſame time, by preſerving our monopoly; and that even, if a method could have been deviſed, of fixing a proportion to be paid by them now, as a full equivalent for their preſent proportion of the public taxes, and that they ſhould never pay more in future, except a ſimilar proportion of ſuch increaſe of taxes as we might hereafter make upon ourſelves; yet ſtill they would not have been put upon a fair footing with us, unleſs they were allowed to ſend repreſentatives to Parliament, in order to guard both us and themſelves againſt any ſuch increaſe; and it would have been farther neceſſary, in ſtrict juſtice, that our laws of trade with reſpect to America ſhould have been fixed, ſo as to prevent any poſſible increaſe of the burden upon them in that reſpect; for as theſe laws are not of a general nature, but are made to burden America only, without at the ſame time burdening our own conſtituents, the Britiſh Parliament would, in all queſtions of that kind, have wanted that conſtitutional check, which is

the eſſence of the power of taxation, and the ſuppoſed repreſentatives from America would have been able to make too feeble a defence in ſuch ſort of queſtions againſt the united intereſt of all the other Members of our Britiſh Houſe of Commons. And after all, theſe colonies would ſtill have ſuffered many diſadvantages by the want of a legiſlative power amongſt themſelves.

I believe there are few, even of the moſt zealous in ſupport of the American war, who would in private converſation aſſert as their opinion, that his Majeſty's American ſubjects ought to be on a worſe footing with reſpect to taxation, than the inhabitants of Great Britain. On the contrary, the conſtant language is, that the Americans demand privileges which do not belong to Britons; that they ought to bear their proportion of the public burdens; that they have taken arms in the face of the law of the land, and the conſtitution of the empire; and that not contented with a participation of the happy conſtitution of this country, they have aimed at privileges, in claiming an exemption from Parliamentary taxation, which we in this iſland do not enjoy; that this war is meant to reſtore liberty to the Americans, to reſtore to them the rights and privileges of the Britiſh Conſtitution, and to reſcue them from the deſpotiſm of their factious leaders, and of that Congreſs which they had elected.

But from what has been ſaid, I apprehend it to be clear and manifeſt, that the power of taxing America cannot be truſted with the Britiſh Parliament,

liament, with the ſame ſafety, as the power of taxing Britain; that the Americans would be on a worſe footing than us, and would be deſtitute of thoſe checks, which controul in Britain the abuſe of taxation; and that when we inſiſt upon putting them on that footing, we deſire what is unreaſonable for us to aſk, and for them to ſubmit to.

Ought they not then to contribute to the burdens of the ſtate? They certainly ought, and by the reſtrictions impoſed on their trade, they certainly do contribute very largely; but perhaps they do not contribute their full proportion; the long poſſeſſion of their excluſive trade, has, I believe, given ſuch advantages to the Britiſh manufacturers, that they are now able to furniſh a great part of our manufactures to the Americans, cheaper than they could be purchaſed elſewhere; and therefore, the confining the Americans to take theſe from us, is no hardſhip upon them, and is, in truth, unneceſſary for us. I believe too, that much relaxation might be made with reſpect to the regulations of their trade, with great advantage to them, and without any material injury to us; and if that were done, they certainly ought to contribute in another way, to the public burdens of the State.

But I would wiſh to know, if we might not ſafely truſt, that ſuch contribution would be chearfully granted by their own aſſemblies; as is done by the Parliament of Ireland. There is certainly nothing unconſtitutional in that mode of obtaining

a contribution from part of the empire, otherwiſe Ireland would not have been ſo long exempted from Parliamentary taxation.

It has been ſaid, however, that ſuch a mode might become dangerous to the liberty of this country, becauſe the King would thereby have the means of levying money without the conſent of the Britiſh Parliament, and by obtaining money from the American Aſſemblies, the Crown might, at ſome critical period, be rendered independent of the Britiſh Parliament.

But this objection, which applies equally to the caſe of Ireland, is certainly not founded on any very probable conjecture, and could eaſily be obviated, both with reſpect to Ireland and the Colonies, by paſſing an act, which would bind his Majeſty, that all acts of aſſembly, or of the Iriſh Parliament, containing grants of money to the Crown, and not appropriated to ſpecial purpoſes in the Colony, ſhould, before they are read the third time in America or Ireland, be communicated to both Houſes of the Britiſh Parliament, and receive the approbation of each by a reſolution to be entered in their journals.

It is ſaid, however, that it is not to be expected that the American Aſſemblies would vote their money for the public ſervice, becauſe they would have no controul, like the Britiſh Parliament, on the expenditure of the money which they might grant; that being removed from the ſeat of government, the influence of the Crown would be ſo weak, as not to be able

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to carry any queſtion; and that, as by their refuſal to grant, the wheels of the whole machine would not be entirely ſtopt, as in the caſe of a refuſal to grant the uſual ſupplies here, there would not be any natural and permanent compulſion upon their aſſemblies, to make ſuch grants; and that therefore, to give them the excluſive privilege of voting their own money, would, in effect, be giving them an entire exemption.

This argument is plauſible, and, I doubt not, has made an impreſſion on many diſpaſſionate and impartial men; but has the experience of Ireland juſtified this theory? Did not Charles the Firſt conceive the ſame ideas concerning the impracticability of obtaining proper ſupplies of money from an Engliſh Houſe of Commons? and has the experience of the laſt century juſtified theſe ſuſpicions? It is, however, extremely probable, that the American Aſſemblies would at firſt have been very ſparing of their grants, that they would have inſiſted on the redreſs of many grievances, that they would have ſtipulated concerning the application of their money before they had voted it, that they would moſt probably have arraigned the waſteful conduct of miniſters, and would have propoſed many methods for leſſening the expence; but I am convinced, that if the juſt complaints of the Americans had been liſtened to, and their confidence gained, the American Aſſemblies, whenever there was a real ground for aſking money, would have granted liberally; and as a lover of this

this Conſtitution, I ſhould have rejoiced, that the difficulty of obtaining money from the American Aſſemblies had exiſted, as a freſh motive with miniſters for good conduct, and to compel a proper exerciſe of the executive power.

The truth is, that where men are not afraid of encroachments on their liberties, and their minds are not ſoured by improper treatment, their repreſentatives, in place of being too niggardly, have, on the contrary, been too laviſh, in voting the public money; and the weight of Government is ſuch, from the natural tendency of mankind to be governed, and from the deſire which moſt men have for honours and diſtinctions, that even in very weak hands, and without the aid of bribery, the executive power can always obtain, in popular aſſemblies, much larger ſupplies, than in wiſdom and prudence it ought to obtain.

Having thus taken a general view of the argument in favour of America, to which, as it appears to me, this country has not allowed ſufficient weight, and to which, I think, no ſufficient anſwer has ever yet been made; I come next to conſider how far the Americans have allowed proper weight to the argnment in favour of the claims of this country.

And here I mnſt obſerve, that it was natural for this country to think, that America ought to contribute to the public burdens of the State, and that it was alſo very natural for us to conceive, that the Parliament of Great Britain had full power to impoſe taxes upon them, ſince we had not

not only made laws to regulate their trade, but had even in ſome few inſtances impoſed internal taxes; what reaſon had we, therefore, to doubt of our power by the conſtitution, to impoſe taxes upon them? The non-exerciſe of our right could not take it away, as that might, with reaſon, be aſcribed to the inability of the Colonies to contribute. The doubt of the power of Parliament to tax America, can hardly be ſaid to have generally exiſted in America itſelf, before the year 1754, when the matter was for the firſt time canvaſſed in the papers annexed in the Appendix. It was not, I believe, the idea of Mr. Grenville to make uſe of that power, if the American Aſſemblies would themſelves have impoſed a tax, to raiſe the ſum which he deſired, and it was upon their refuſal only, that he made the motion for the Stamp Act in the Britiſh Houſe of Commons *. I have already admitted, that it was of the utmoſt importance to the Colonies to reſiſt the impoſition of taxes by the Parliament here, and even to refuſe impoſing taxes on themſelves, equivalent to the ſum which Mr. Grenville demanded; becauſe I agree with the American argument, that if the Miniſter or the Parliament here, were to name the

* I know it has been aſſerted, that Mr. Grenville did not give any option to the Colonies, to impoſe an equivalent tax upon themſelves, but required of them to point out ſome other tax equally productive, to be ſubſtituted by the Britiſh Parliament, in place of the intended Stamp Act; but I have always underſtood the fact to be as I have now ſtated it.

ſum, it is but a ſmall advantage to them, to be made the judges of the mode of raiſing it; for ſuch a privilege would have reſembled only the option given to Socrates, to chuſe between the different modes in which he ſhould be put to death. Mr. Grenville's propoſition, no doubt, proceeded upon the ſuppoſition of an undoubted power, veſted in Parliament, to tax America, and upon that ſuppoſition, it was an indulgence to permit them to raiſe the money under the authority of their own Aſſemblies; but as the Americans, by that time, were ſufficiently enlightened to underſtand, that if Parliament was to tax them, there would exiſt no check or controul, as with us upon the exerciſe of that right, they determined to reſiſt the attempt of taxing them, either directly by Parliament, or indirectly by inſiſting upon their raiſing a ſpecific ſum by authority of their own Aſſemblies.

Mr. Grenville might be excuſed in the method which he purſued, thinking, as he no doubt did, that our right was clear; and certainly he ſhewed a diſpoſition to exerciſe it with diſcretion, both by the previous offer which he made, and by his choice of the tax upon Stamps. But I cannot help thinking, the Americans were here in ſome degree to blame, for as their claim to exemption from Parliamentary taxation, was not ſurely an obvious propoſition, they had no reaſon to be ſurprized, that it was not immediately admitted; and as they could not reaſonably deny, that ſuppoſing their right to exemption clear, yet it was juſt and fit,

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that they ſhould contribute in ſome degree to the public burthens; I think, that inſtead of flatly refuſing to impoſe any tax whatever on themſelves, when Mr. Grenville diſcovered ſo ſtrong a diſpoſition to conciliate, they ought to have offered to raiſe ſuch a ſum as they themſelves thought reaſonable, refuſing, at the ſame time, to admit the claim of a Parliamentary right to tax them, or conſequently our right to inſiſt upon their voting themſelves any ſpecific ſum.

Whether or not this would have prevented the paſſing the Stamp Act, and would have diverted the ideas of this country from attempting to enforce Parliamentary taxation, and would have induced us to rely on the grants of the American Aſſemblies, it is impoſſible now to ſay; from the good ſenſe of Mr. Grenville, notwithſtanding his inflexibility, I think it would; but at any rate, in a new and great queſtion of this kind, and where it was impoſſible to deny that the State had a claim to ſome aids from America, I think it would have been wiſer and more becoming, upon the part of the Americans, to have held out to the Miniſter and the Parliament of this country, a golden bridge, in order to avoid bringing to an immediate deciſion, a queſtion of ſuch magnitude, and involved in ſo much difficulty. See Appendix N°. III.

The Americans ought ſurely to have conſidered, that it was not an eaſy matter, to draw the line between the power of legiſlation and taxation, ſince in the Britiſh conſtitution they had appeared to be always united; for though Ireland had never been

taxed here, yet it was well known, there exiſted, in the Statute Books, an expreſs act, declaring, that Parliament here had power to bind them in all caſes whatſoever; ſo that the right ſeemed to remain, though not exerciſed. This therefore was a political queſtion entirely new, and neither party had a title to condemn the other for the oppoſite opinions they entertained concerning it; but leaſt of all had America a title to condemn the opinion of this country, becauſe we had been in the exerciſe of the power of regulating their trade, and of levying indirectly by that means a tax upon them. I admit, that there was much leſs danger in that exerciſe of our power, than in directly taxing them; and that our Parliament may be much more ſafely truſted with the power of making general laws of regulation, than with that of taxing in a direct manner; but certainly the diſtinction could not be expected to be admitted as a ſelf-evident propoſition, upon its being firſt mentioned; and there was not ſufficient ground, on account merely, of our denying its truth, to impute to this country a determined reſolution, to reduce our fellow-ſubjects to ſlavery, though I admit that, in time, ſuch might have proved the conſequence.

I acknowledge, that as by paſſing the Stamp Act, Great Britain inſiſted on ſo dangerous a right, the Americans were reduced to a moſt diſagreeable dilemma; for if they ſubmitted in one inſtance, after the queſtion was ſtirred, they could hardly afterwards have made any effectual oppoſition; eſpecially

eſpecially as their ſubmiſſion would have been imputed to fear; but I do not think they had juſt grounds to conſider Great Britain as acting on that occaſion from any oppreſſive motive, ſince the queſtion of right was certainly doubtful; and after the Stamp Act was repealed, and all the duties contained in the Act 7th of his Majeſty, except on tea, were alſo repealed; and after the aſſurances contained in Lord Hillſborough's letter, they ought, and might, in my opinion, have relied that no further tax would have been impoſed upon them; at leaſt, they ought to have delayed any violent meaſures, till ſome tax had been actually impoſed, which I am inclined to think, would never have happened.

The permiſſion granted by Parliament to the Eaſt India Company, to export their tea on their own account to America, in place of ſelling it to other exporters, was certainly no new tax, and tended to furniſh the tea cheaper to the Americans. That permiſſion was occaſioned by the unfortunate circumſtance of the India Company having overſtocked their warehouſes with tea, which made it neceſſary to contrive ſome means to enable them to diſpoſe of it more readily; and was not the reſult of any view to impoſe a new tax upon America. The Colonies were therefore undoubtedly to blame, in ſuffering themſelves to be inflamed by thoſe, whoſe profits by ſmuggling were likely to be affected, in conſequence of this

proceeding of the Eaſt India Company *. If the Colonies had acted upon that occaſion with more temper, theſe unfortunate convulſions would not have happened, for I am convinced, that the Tea duty was refuſed to be repealed, more from an idea of the neceſſity, in point of dignity, of preſerving this mark of our right, than from any ſerious intention of ever afterwards impoſing duties on the Colonies, with a view to a ſolid revenue.

The dignity of a nation is certainly a little concerned, not to give up a diſputable right, when it is denied with acts of violence, though it loſes no dignity in forbearing for ever the exerciſe of ſuch a right; and as the permiſſion granted to the India Company was no new tax, the Americans had not, I think, ſufficient ground from thence to conclude, that this country did not mean to forbear for ever the exerciſe of that right of taxation which gave America ſo much alarm; and though I can make great allowances for the jealouſies of freemen, in a point of ſo great moment, yet I muſt condemn thoſe who endeavoured to excite it upon that occaſion.

* It has however been confidently aſſerted, that Miniſters, in propoſing that mode of relieving the Eaſt India Company, in preference to any other, had a ſiniſter view of rendering productive there the unfortunate Tea Duty, which they had ſo often refuſed to repeal, as thinking this the moſt effectual method, to counteract the non-importation agreements, with reſpect to that article, which had proved unſurmountable obſtacles to private Merchants. See Appendix, No. IV.

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I do not mean to enter into a juſtification of the proceedings of Parliament, in conſequence of the deſtruction of the tea, becauſe I never did, and do not now, approve of them. The Boſton Port Bill indeed, if it had not been clogged with ſome unfortunate clauſes, and had not been followed by the Maſſachuſetts Charter Bill, might have proved a ſalutary and effectual meaſure. But I haſten to another point, in which I conceive the Americans were too precipitate; I mean in their rejecting the propoſition made by Lord North, with a view to conciliation.

Lord North, on the 27th February 1775, very unexpectedly, made the following motion in the Houſe of Commons, which has been diſtinguiſhed ſince by the name of the Conciliatory Propoſition, "Reſolved, that when the Governor, Coun-
" cil, and Aſſembly, or General Court of any of
" his Majeſty's Provinces or Colonies in America,
" ſhall propoſe to make proviſion, *according to the*
" *condition, circumſtances, and ſituation of ſuch*
" *Province or Colony*, for contributing their propor-
" tion to the common defence (ſuch proportion to
" be raiſed under the authority of the General
" Court or General Aſſembly of ſuch Province or
" Colony, and diſpoſable by Parliament), and
" ſhall engage to make proviſion alſo, for the
" ſupport of the civil Government, and the ad-
" miniſtration of juſtice in ſuch Province or Co-
" lony, it will be proper, if ſuch propoſal ſhall be
" approved by his Majeſty and the two Houſes of
" Parliament, *and for ſo long as ſuch proviſion ſhall*
" *be*

" *be made accordingly*, to forbear, in reſpect of ſuch " Province or Colony, to levy any duty, tax, or " aſſeſſment, or to impoſe any farther tax or aſſeſſ- " ment, except only ſuch duties as it may be ex- " pedient to continue to levy or to impoſe for " the regulation of commerce; the net produce of " the duties laſt mentioned, to be carried to the " account of ſuch Province or Colony reſpec- " tively."

I had not at that time a ſeat in the Houſe, as the petition againſt the return of my competitor had not been heard; but I was preſent during the debate; and I was and am convinced, that the propoſition was well intended, and that it ought not to have been received in the manner it was received, by thoſe who eſpouſed in the houſe, at that time, the cauſe of America. The propoſition was indeed defective in the mode of expreſſion, and did not convey in a clear and unambiguous manner, what I firmly believe was the meaning of the noble Lord. I am convinced, that it was the intention of that propoſition, that after ſettling in an equitable and moderate manner, with the reſpective American Aſſemblies, for a ſum to be contributed by each, for the public ſervice, that no further taxes were to be impoſed upon them by the Britiſh Parliament. This was, in my opinion, a moſt juſt and proper manner, with reſpect to America, of ſettling finally this unfortunate diſpute; for, unqueſtionably, it was juſt that they ſhould bear a ſhare of the public burthens, and if Great Britain was willing to fix their proportion

at

at once, and to exempt them for ever from all grounds of apprehenſion, they could have no reaſon to complain. On the contrary, the agreement was highly advantageous to them; for, as they are evidently in a courſe of increaſing rapidly, both in numbers and in wealth, and have immenſe tracts of waſte lands ſtill to cultivate, no ſum which could poſſibly be agreed on at this period, could have borne any proportion to what they ought to have paid as their juſt ſhare hereafter, of the public burthens; ſo that to appearance, the propoſition was in fact too favourable to them; though at the ſame time, I am perfectly ſatisfied, that if this agreement had been made, and all apprehenſions of Parliamentary taxation, and of altering their charters, had been quieted for ever, we ſhould have obtained, in future times, more ample grants from the American Aſſemblies, on all occaſions of public danger, than ever could have been exacted from them by acts of the Britiſh Legiſlature.

But unfortunately the propoſition, on its firſt appearance, was violently attacked by very able ſpeakers, who defended the cauſe of America; and it was afterwards moſt unhappily miſunderſtood, when carried acroſs the Atlantic. It was conceived by the Colonies to be inſidious, and made with a view of diſuniting them, by giving better terms to ſome than to others; and it was ſuppoſed, too, to be nearly of the ſame import with the propoſition of Mr. Grenville, and that the only conceſſion intended in it was, that the ſum to be levied on America, being fixed from time to time, here,

in conſequence of their reſpective offers, they were to be permitted to levy that ſum by the authority of their own Aſſemblies, but were to have no other voice in fixing the *quantum*. They alſo underſtood, that the amount of the ſalaries and appointments to the officers of Government in America, was not to be determined by themſelves, but by us; which they conceived would be a ſource of great abuſe, and an inlet to corruption.

It muſt be confeſſed, that the words made uſe of in the propoſition, afforded ſome ground for the conſtruction put upon it by thoſe who objected to it in the Houſe of Commons, and by the American Congreſs; for, the propoſition not only requires, that proviſion ſhould be made *according to the condition, circumſtance, and ſituation of each Province or Colony*, for contributing their proportion to the common defence; but the exerciſe of the right of taxation is to be forborne only, *for ſo long as ſuch proviſion ſhall be made accordingly*, which certainly admits of this conſtruction, that whenever Parliament ſhould be of opinion, that the ſum firſt agreed on did not continue to correſpond to the condition, circumſtances, and ſituation of the Colony, the agreement was at an end, and the right of taxation might, notwithſtanding the agreement, be exerciſed as before. This would undoubtedly have been inſidious; and though I am convinced that theſe words only meant, that if the Americans did not continue the proportion firſt agreed on, the exerciſe of taxation ſhould be revived; yet in a matter of ſuch infinite conſequence to the Colonies,

lonies, it was not ſurpriſing that they were ſuſpicious, and that they underſtood ambiguous words as meant to enſnare them.

But it is impoſſible for me to believe, that the noble Lord meant any thing inſidious, or the leaſt unfair ambiguity, by expreſſing himſelf as he did, in that propoſition. I remember I took occaſion, in the following ſeſſion, to ſtate to the Houſe the ſenſe in which the Americans underſtood the propoſition, and at the ſame time the ſenſe in which I myſelf underſtood it, and I called upon the noble Lord, to explain in his place the ſenſe in which he meant it. His anſwer was plain and direct, that he meant it in the ſenſe in which I had underſtood it, and by no means in that in which the Americans had conceived it, and that he meant it as the ground-work of a fair negociation.

The proceedings in Parliament, in conſequence of the Petition from Nova Scotia, by which that Colony declared its acceptance of the propoſition, though theſe proceedings were afterwards dropt, are a further proof of the ſenſe in which the propoſition was meant and underſtood by Lord North.

But the public have the utmoſt reaſon to regret, that in a matter of ſuch magnitude, and where ſo much depended on the accuracy of expreſſion, this important propoſition was not communicated to the friends of America, before it was offered to the Houſe, that their objections might have been obviated; for it is not to be wondered that a people, whoſe jealouſy had been rouzed to ſuch a degree, and whoſe leaders did

not perhaps wiſh for a reconciliation, ſhould reject a propoſition, ſo conceived, as to admit of being conſidered as inſidious, and which, if taken in the ſenſe the words could bear, was no other than a ſnare to deceive them.

It was evident to thoſe who were preſent, when this propoſition was offered to the Houſe, that it was made by the noble Lord, without the full aſſent of all his aſſociates in adminiſtration; which is another proof, to my mind, that he meant by it, a great deal more than the Americans apprehended; for if it meant to leave Parliament at liberty to vary the proportion of each Colony, from time to time, the moſt violent aſſertor of the rights of Parliament could not have objected to it; and I, for one, ſhall always think favourably of the noble Lord, for the candour and moderation which ſuggeſted to him the idea of that propoſition, though it was attended with ſo little ſucceſs.

But as I have taken the liberty to cenſure the oppoſition given in Parliament to that propoſition, I think myſelf called upon, in juſtice, to expreſs the approbation which I feel, of the conduct of the ſame Members, upon ſeveral ſubſequent occaſions. In the courſe of theſe American debates, inſtead of confining themſelves merely, as is uſual, to objecting to the meaſures propoſed in Parliament by Adminiſtration, they have repeatedly propoſed plans of accommodation with the Colonies, which it was in the power of Adminiſtration to have amended and adopted, and by which, if they had adopted them, the propoſers would have reaped no other

advan-

advantage, except the ſatisfaction of having rendered, out of office, a moſt eſſential ſervice to their country. This conduct, of which I highly approve, counterbalances, in a great meaſure, in my mind, the error I think they committed, in oppoſing, inſtead of endeavouring to correct, the defects of that propoſition of the 27th February, 1775, in order to have recommended it with all their influence, to the acceptance of America.

I am apt to think, that the unfavourable reception of that propoſition in America, was the true cauſe, that no farther attempt was made in Parliament, to offer terms to the Colonies, and probably ſuggeſted the idea of ſending out Commiſſioners; but as the powers granted to them by Parliament were confined to the granting of Pardons, it was impoſſible that they could do more, than merely to enquire, upon what terms an agreement could be made.

From a general review of this ſubject, I think it muſt appear, to every perſon who will permit himſelf to conſider it, with that impartiality which may be expected from diſtant ages, that there was in this caſe, a real ground for difference of opinion, between America and us, on the ſubject of taxation, without throwing upon them, the imputation of blind and factious zeal, or upon us, that of an inſolent deſire to injure or oppreſs them. On the one hand, we had a right to expect from them a contribution to the public expences, not indeed ſo much as if they had not been taxed by the regulations of trade, but ſtill a conſiderable

contribution; on the other hand, they had good ground to conceive, that according to the principles and ſpirit of this Conſtitution, a Parliament neither choſen by them, nor reſtrained in taxing them, by being ſharers themſelves with their conſtituents in the ſame tax, was not a fit power to be truſted with the uncontrolled authority of impoſing taxes upon them. Both parties were therefore, in ſome meaſure, in the right, and both were alſo in the wrong. If mankind were not unfortunately more apt to act from paſſion than from reaſon, and if this matter had been clearly underſtood from the beginning, a line of reconciliation might eaſily have been adopted, for the mutual ſatisfaction of this country and of America, without the irretrievable waſte which has happened, of ſo much blood and treaſure on both ſides.

Matters I hope are not yet gone ſo far, as to render it impoſſible ſtill to adopt ſuch a line; but it will require the exertion of the wiſeſt men in both countries, to ſooth the prejudices and enlighten the minds of the great body of the people, both here and there.

I am inclined to think, that it will be much more eaſy to reconcile the minds of the people of this country to ſuch an arrangement, than thoſe of the Americans. We are now, in a great meaſure, I believe, cured of the dream of an eaſy conqueſt, and we are awake to the diſadvantages of continuing, at ſuch a diſtance, for any length of time, a war of ſo much expence, which has already coſt us much more, than the object either of excluſive

excluſive trade or of revenue, perhaps, was ever worth; and which, in the courſe of human events, may end, not merely in the loſs of America to us; but if, by the bravery of our troops, in this or a future campaign, we ſhould reduce them to great difficulties, may throw them into the arms of France, which ſeem open to receive them; and even if we ſhould prevail to the utmoſt of our wiſhes, muſt entail upon us, not merely an enormous debt, but a military eſtabliſhment, not more deſtructive to them, than dangerous to the liberties of this country. But it may not be ſo eaſy now, to induce the people of America to accept of thoſe terms of conciliation, which, not long ago, they would have rejoiced at. I hope, however, there are a ſufficient number of men in that extenſive continent, endued with a true love of their country, and ſufficiently diveſted of paſſion and prejudice, to be able to diſcern the true intereſt of America upon this occaſion.

To ſuch men I would wiſh to addreſs myſelf, and I think they will readily admit, that if the uncertain events of war ſhould compel them to a union, either with this country, or with France, it would be infinitely preferable to return to their ancient friendſhip with us. The old ties of connection are not yet broken, and the ſpirit they have ſhown, in defence of their pretenſions, will, after the end of this conteſt, place them high in the eſtimation of every Engliſhman. They have no reaſon to apprehend any future attempts, to encroach upon their rights; on the contrary, the attention

of

of miniſters to what concerns them, will probably as much exceed the true medium, in their favour, as it before fell ſhort of it, againſt them. United with us, we ſhould ſtand firm and ſecure, if aſſailed by the united efforts of the moſt powerful ſtates in the world, and America will thus be preſerved, not only from foreign wars, but from the danger of internal diſcord, and will go on, in that high career of proſperity, which it enjoyed before the unfortunate æra of 1764.

But America has declared itſelf independent, and the idea of eſtabliſhing a new and magnificent empire, upon the pillars of freedom, is a flattering object, and muſt captivate every youthful and generous mind; but are there no rocks or quick-ſands to be dreaded? Even if the object were already obtained, it would be a new phenomenon in the univerſe, a republic poſſeſſing an extenſive continent, and yet preſerving its liberty; the wiſeſt and moſt plauſible theory, cannot provide againſt all the dangers of ſo new and untrodden a path. The Engliſh Conſtitution, with all its defects, is undoubtedly the beſt that has ever yet exiſted upon the globe, and it will be time enough for the Americans to ſeparate themſelves from us, when the natural decay of all human inſtitutions, has rendered this fair fabric a ſcene of corruption, and when deſpotiſm begins to riſe upon its ruins; till then, it will be the intereſt of America to continue united with Great Britain. The two countries are peculiarly fitted to contribute to each other's proſperity; and if any thing

is likely to prolong, to ages too remote for probable conjecture, the freedom and proſperity of this kingdom, I conceive it would be, the connection which may now be formed with Britiſh America.

The paſſions of the Americans, who are in the midſt of the ſcene of action, muſt no doubt be more excited than here, where all is ſtill at reſt, and certainly reſentment, from the deſolation of war, muſt be ſtrong in the minds of many; but the ſucceſſes they have had, againſt the beſt diſciplined and braveſt troops in Europe, as it muſt elevate their minds, will alſo, in brave men, alleviate their reſentment, and the conduct of General Gates and his army, after the capitulation of General Burgoyne, is an evident proof, that this has been the caſe. The conduct of that victorious army, was that of a brave, generous, and civilized people; and at the ſame time that it deſerves the higheſt praiſe, is an evident proof, that the violence of reſentment was extinguiſhed with victory.

Another obſtacle may ariſe, from the ambition of individuals, who having been raiſed by the preſent diſputes, to ſituations of great importance, may diſlike to return to their former ſituations. But as the Americans have not exiſted as a ſeparate people, for more than two years; as the individuals which compoſe that people, have not yet had time to be corrupted; and as I do believe, that the greater part of thoſe, who have put themſelves moſt forward, on this occaſion, have been

influenced by a ſtrong and fervent love of their country; I do not believe, that if a fair proſpect is opened, of eſtabliſhing the rights of America upon a clear and ſolid footing, and of reſtoring the ancient connection with this country, upon honourable terms, that theſe men will, from perſonal motives, throw any obſtacle in the way. That ſuch ſelfiſh principles are the growth of corrupted ſtates, and do not exiſt in the early ages of a Republic, may be ſeen, from what frequently happened in ancient Rome, where thoſe who had ſerved the ſtate in the higheſt ſituations, in times of public danger, retired, without regret, to the plough, and reſumed the humble care of their domeſtic concerns.

America muſt know, that notwithſtanding our bad ſucceſſes hitherto, we are ſtill able to diſtreſs them much, if not to conquer them. That if our blood and treaſure is waſted, theirs cannot be ſpared; and if it were clear, that the aid of France would turn the ſcale in their favour, yet that aid cannot be obtained without conceſſions on their part, more prejudicial to them, than would reſult from a proper connection with us, nor would the trade of France compenſate to America, the loſs of the trade of Britain.

I will fairly confeſs, that I do not know, if it would have been wiſe in America, to have entered into an agreement with us, till they had convinced this nation, as they have certainly done, of their power to reſiſt, and to defend their rights; becauſe till then, they could not have relied with perfect

perfect confidence, on the obſervance of ſuch an agreement in all future times, and the prejudices entertained in this country, to their diſadvantage, perhaps required as ſtrong proofs as they have given, of their ſpirit, to be entirely removed. But the caſe is now extremely different; whatever treaty is now made, they are ſure will be faithfully performed, and they are certain of enjoying every advantage ariſing from the Britiſh Conſtitution, to the utmoſt extent. Will any man ſay, that it is poſſible to exchange it for a better? Or will wiſe men truſt to uncertain ſpeculations, in a matter of ſuch infinite conſequence to their happineſs, and will they reject a certain good within their reach, in order to graſp at an imaginary idea of perfection?

The caſe may be ſtated in another view: Let the Parliament of Great Britain be in this caſe conſidered, in the queſtion with America, as one perſon, and as repreſenting the executive power; this power, we ſhall ſuppoſe, has attempted to encroach on the liberties of America, in the point of taxation, as Charles the Firſt did with reſpect to England. The Americans reſiſt, and have at laſt an opportunity, of fixing the limits of this power for the future, ſo as that no tax ſhall be thereafter levied, without the conſent of the reſpective Aſſemblies choſen by themſelves. They have alſo an opportunity of aſcertaining all other doubtful points in the conſtitution, and of having all their grievances redreſſed. Would it not be a degree of lunacy, to let ſlip an opportunity ſo favourable

to their happineſs, and to perſiſt in a ruinous and bloody war, in hopes that at laſt, with the aid of a deſpotic Government, they may eſtabliſh a new and independent empire. Can they at once forget, the happineſs they enjoyed, and the freedom and proſperity which was every where diffuſed, throughout theſe fertile provinces, before the Britiſh Parliament attempted to tax them; and can they hope for more proſperity, under any poſſible form of conſtitution, provided their rights are now clearly aſcertained? Were the natives of any ancient free State, or are the natives of Holland now, more free or happy, than thoſe of the Britiſh iſles? Some of the leaders in America have, however, affirmed in their writings, that though every ancient and modern form of Republican Government, has been defective; yet they have diſcovered the true cauſes of their decline; and that the new ſyſtem formed for America, is free from all of theſe defects. But human wiſdom is too limited, to foreſee all the conſequences of a new inſtitution; and all wiſe men will rather chuſe to truſt to actual experience, in ſuch ſerious matters, than to uncertain theory. The defects indeed of the preſent American plans of Government, are too apparent to eſcape obſervation.

The perpetual ſources of war and diſſenſion, which muſt ariſe between Great Britain and America, on account of the Newfoundland Fiſhery, and the Weſt India iſlands, is another argument for conciliation. It is not to be ſuppoſed, that Great Britain will give up theſe, without the utmoſt exertion to preſerve them; and if they remain

with her, continual diſputes muſt ariſe with America, particularly with reſpect to the Fiſheries which lie ſo near to their coaſts.

I flatter myſelf therefore, that the ancient good humour will ſtill return, between theſe two parts of the Britiſh empire. It is unneceſſary to enter into a detail of what would be the proper terms of their reconciliation. The great outline is, That Great Britain ſhould take every honourable ſtep, which may be neceſſary, to remove the jealouſies and obtain the confidence of a people, who, like our anceſtors, have given ſignal proofs of their bravery, as well as their enthuſiaſtic love of liberty; and for that purpoſe, the Americans ſhould, in my opinion, have the moſt perfect ſecurity given to them, with reſpect to the right of taxation; and that their charters of government ſhall be inviolable, unleſs in conſequence of petitions, from the great body of the people themſelves; that the trial by jury ſhould be univerſally eſtabliſhed; that Canada ſhould enjoy a Britiſh Conſtitution; that the laws for regulating their trade ſhould be reviſed, and every alteration made, which can benefit them, without materially injuring us. In a word, that their grievances of every ſort ſhould be inquired into and redreſſed, that ſo they may repoſe with entire confidence on the good faith and friendſhip of this country*. And that, on the other

* The appointment of Patent Officers, with power to reſide here, and act by deputies there, is miſchievous both to America and to us.—The preſent mode of determining appeals from the Colonies, by the privy council, has been felt as a grievance, and certainly requires redreſs.

hand,

hand, they ſhould contribute a generous ſhare of the public burdens, and grant ſuch further aids in times of war, as their own aſſemblies ſhall think reaſonable. Theſe occaſional aids, in all caſes of real public exigence, will, I am convinced, be greater, notwithſtanding the debt they have lately incurred, than our moſt ſanguine ideas have ever reached.

I think it extremely immaterial to us, whether the ſum to be annually contributed to the public burdens, be fixed now, or left to the annual vote of their Aſſemblies. By leaving it entirely to their own Aſſemblies, we ſhould certainly gain more effectually the confidence of a brave and generous people, which is of infinitely greater conſequence, than any ſum for which we could ſtipulate on this occaſion. But if a miſtaken idea, of the proper dignity of a great and powerful ſtate, ſhould require ſome poſitive ſtipulation, after ſuch a conteſt, I cannot believe, that the Americans would heſitate, if that became the only point in diſpute, to grant us, after a due conſideration had, of the great expences they have incurred, a reaſonable and even a liberal annual revenue. If we are, however, entirely relieved of the former expence of our eſtabliſhments there, and America does not require the bounties we formerly paid, on the importation of her goods, the revenue from theſe two ſources alone would be an object of the greateſt importance. But theſe are points, which would be eaſily ſettled by negociation, if the animoſity on all ſides were once removed; and for that important

portant purpoſe, it will, in my opinion, become the magnanimity of this country, to begin with quieting the juſt apprehenſions of ſo valuable a part of its fellow-ſubjects, by giving them ample ſecurity againſt taxation, and againſt the exerciſe of certain other acts of legiſlation, which, I think in my conſcience, we cannot exerciſe, conſiſtently with the true ſpirit of our own conſtitution.

If we are ſincere in the intention of doing this, the mode of executing it muſt certainly be, by reſolutions moved in the Houſe of Commons. But I apprehend it would prove moſt effectual, for diſappointing the arts of untractable ſpirits, in both countries, if, without minutely entering into a detail of conditions, the moſt extenſive general powers were immediately granted, by Act of Parliament, to proper Commiſſioners, named in the Act, to conclude an agreement with America, upon ſuch terms as ſhall be found moſt effectual, for eſtabliſhing a mutual and laſting confidence between the two countries.

FINIS.

APPENDIX.

N°. I.

Letters of Dr. Franklyn, publiſhed in the London Chronicle, from the 6th to the 8th of February, 1766.

To the PRINTER *of the* LONDON CHRONICLE.

SIR,

IN July 1754, when, from the encroachments of the French in America on the lands of the crown, and the interruption they gave to the commerce of this country among the Indians, a war was apprehended, Commiſſioners from a number of the Colonies met at Albany, to form a PLAN of UNION for their common defence. The plan they agreed to was in ſhort this; 'That a grand 'Council ſhould be formed, of members to be cho-'ſen by the aſſemblies and ſent from all the Colo-'nies; which Council, together with a Governor 'General to be appointed by the Crown, ſhould 'be empowered to make general laws to raiſe mo-'ney in all the Colonies for the defence of the

'whole.' This plan was ſent to the Government here for approbation: had it been approved and eſtabliſhed by authority from hence, Engliſh America thought itſelf ſufficiently able to cope with the French without other aſſiſtance; ſeveral of the Colonies, having alone in former wars, withſtood the whole power of the enemy, unaſſiſted not only by the Mother-country, but by any of the neighbouring provinces. The plan however was not approved here: but a new one was formed inſtead of it, by which it was propoſed, that 'the Governors of all the Colonies, attended by one or two 'members of their reſpective Councils, ſhould aſ'ſemble, concert meaſures for the defence of the 'whole, erect forts where they judged proper, and 'raiſe what troops they thought neceſſary, with 'power to draw on the treaſury here for the ſums 'that ſhould be wanted; and the treaſury to be 'reimburſed by a tax laid on the Colonies by act 'of Parliament.' This new plan being communicated by Governor *Shirley* to a gentleman of Philadelphia, then in Boſton, (who hath very eminently diſtinguiſhed himſelf, before and ſince that time, in the literary world, and whoſe judgment, penetration and candour, as well as his readineſs and ability to ſuggeſt, forward, or carry into execution every ſcheme of public utility, hath moſt deſervedly endeared him, not only to our fellow-ſubjects throughout the whole continent of North-America, but to his numberleſs friends on this ſide the Atlantic) occaſioned the following remarks from him, which perhaps may have contributed

tributed in ſome degree to its being laid aſide. As they very particularly ſhow the then ſentiments of the Americans on the ſubject of a parliamentary tax, *before* the French power in that country was ſubdued, and *before* the late reſtraints on their commerce, they ſatisfy me, and I hope they will convince your readers, contrary to what has been advanced by ſome of your correſpondents, that thoſe particulars have had no ſhare in producing the preſent oppoſition to ſuch a tax, nor in the diſturbances occaſioned by it; which theſe papers indeed do almoſt prophetically foretel. For this purpoſe, having accidentally fallen into my hands, they are communicated to you by one who is, not *partially*, but in the *moſt enlarged ſenſe*,

A LOVER OF BRITAIN.

SIR, *Tueſday Morning.*

"I return the looſe ſheets of the plan, with thanks to your Excellency for communicating them.

"I apprehend, that excluding the *People* of the Colonies from all ſhare in the choice of the Grand Council, will give extreme diſſatisfaction, as well as the taxing them by Act of Parliament, where they have no Repreſentative. It is very poſſible, that this general Government might be as well and faithfully adminiſtered without the people, as with them; but where heavy burthens are to be laid on them, it has been found uſeful to make it, as much as poſſible, their own act; for they bear

better when they have, or think they have ſome ſhare in the direction; and when any public meaſures are generally grievous or even diſtaſteful to the people, the wheels of Government muſt move more heavily."

SIR, *Wedneſday Morning.*

" I mentioned it yeſterday to your Excellency as my opinion, that excluding the *People* of the Colonies from all ſhare in the choice of the Grand Council, would probably give extreme diſſatisfaction, as well as the taxing them by Act of Parliament, where they have no Repreſentative. In matters of general concern to the People, and eſpecially where burthens are to be laid upon them, it is of uſe to conſider, as well what they will be apt to think and ſay, as what they ought to think: I ſhall therefore, as your Excellency requires it of me, briefly mention what of either kind occurs to me on this occaſion.

" Firſt they will ſay, and perhaps with juſtice, that the body of the People in the Colonies are as loyal, and as firmly attached to the preſent Conſtitution, and reigning family, as any ſubjects in the King's dominions.

" That there is no reaſon to doubt the readineſs and willingneſs of the Repreſentatives they may chuſe, to grant from time to time ſuch ſupplies for the defence of the Country, as ſhall be judged neceſſary, ſo far as their abilities will allow.

" That the People in the Colonies, who are to feel the immediate miſchiefs of invaſion and conqueſt

conqueſt by an enemy, in the loſs of their eſtates, lives and liberties, are likely to be better judges of the quantity of forces neceſſary to be raiſed and maintained, forts to be built and ſupported, and of their own abilities to bear the expence, than the Parliament of England at ſo great a diſtance.

" That Governors often come to the Colonies merely to make fortunes, with which they intend to return to Britain, are not always men of the beſt abilities or integrity, have many of them no eſtates here, nor any natural connection with us, that ſhould make them heartily concerned for our welfare; and might poſſibly be fond of raiſing and keeping up more forces than neceſſary, from the profits accruing to themſelves, and to make proviſions for their friends and dependants.

" That the Counſellors in moſt of the colonies being appointed by the Crown, on the recommendation of Governors, are often of ſmall eſtates, frequently dependant on the Governors for Offices, and therefore too much under influence.

" That there is therefore great reaſon to be jealous of a power in ſuch Governors and Councils, to raiſe ſuch ſums as they ſhall judge neceſſary, by draft on the Lords of the Treaſury, to be afterwards laid on the Colonies by Act of Parliament, and paid by the People here: ſince they might abuſe it, by projecting uſeleſs expeditions, haraſſing the People, and taking them from their labour to execute ſuch projects, merely to create offices and employments, and gratify their dependants, and divide profits.

" That

" That the Parliament of England is at a great diſtance, ſubject to be miſinformed and miſled by ſuch Governors and Councils, whoſe united intereſts might probably ſecure them againſt the effect of any complaint from hence.

" That it is ſuppoſed an undoubted right of Engliſhmen not to be taxed but by their own conſent given through their repreſentatives.

" That the Colonies have no Repreſentatives in Parliament.

" That to propoſe taxing them by Parliament, and refuſe them the liberty of chuſing a repreſentative Council, to meet in the Colonies, and conſider and judge of the neceſſity of any general tax, and the quantum, ſhows a ſuſpicion of their loyalty to the Crown, or of their regard for their Country, or of their common ſenſe and underſtanding, which they have not deſerved.

" That compelling the Colonies to pay money without their conſent, would be rather like raiſing contributions in an enemy's country, than taxing of Engliſhmen for their own public benefit.

" That it would be treating them as a conquered people, and not as true Britiſh ſubjects.

" That a tax laid by the Repreſentatives of the Colonies might eaſily be leſſened as the occaſions ſhould leſſen, but being once laid by Parliament, under the influence of repreſentations made by Governors, would probably be kept up and continued for the benefit of Governors, to the grievous burthen and diſcouragement of the Colonies, and prevention of their growth and increaſe.

" That

" That a power in Governors to march the inhabitants from one end of the Britiſh and French Colonies to the other, being a country of at leaſt 1,500 miles ſquare, without the approbation or conſent of their Repreſentatives firſt obtained to ſuch expeditions, might be grievous and ruinous to the People, and would put them on a footing with the ſubjects of France in Canada, that now groan under ſuch oppreſſion from their Governor, who for two years paſt has haraſſed them with long and deſtructive marches to the Ohio.

" That if the Colonies in a body may be well governed by Governors and Councils appointed by the Crown, without Repreſentatives, particular Colonies may as well or better be ſo governed; a tax may be laid on them all by Act of Parliament, for ſupport of Government, and their Aſſemblies may be diſmiſſed as an uſeleſs part of the Conſtitution.

" That the powers propoſed by the Albany plan of union, to be veſted in a Grand Council Repreſentative of the People, even with regard to military matters, are not ſo great as thoſe the Colonies of Rhode Iſland and Connecticut are entruſted with by their Charters, and have never abuſed; for by this plan, the Preſident General is appointed by the Crown, and controuls all by his negative; but in thoſe Governments the People chuſe the Governor, and yet allow him no negative.

" That the Britiſh Colonies bordering on the French are properly Frontiers of the Britiſh Empire;

pire; and the frontiers of an empire are properly defended at the joint expence of the body of the people in ſuch empire: It would now be thought hard by Act of Parliament to oblige the Cinque Ports or ſea coaſts of Britain to maintain the whole navy, becauſe they are more immediately defended by it, not allowing them at the ſame time a vote in chuſing Members of the Parliament; and if the frontiers of America muſt bear the expence of their own defence, it ſeems hard to allow them no ſhare in voting the money, judging of the neceſſity and ſum, or adviſing the meaſures.

" That beſides the taxes neceſſary for the defence of the frontiers, the Colonies pay yearly great ſums to the Mother-country unnoticed: For taxes paid in Britain by the landholder or artificer, muſt enter into and increaſe the price of the produce of land, and of manufactures made of it; and great part of this is paid by conſumers in the Colonies, who thereby pay a conſiderable part of the Britiſh taxes.

" We are reſtrained in our trade with foreign nations; and where we could be ſupplied with any manufacture cheaper from them, but muſt buy the ſame dearer from Britain, the difference of price is a clear tax to Britain. We are obliged to carry great part of our produce directly to Britain, and where the duties there laid upon it leſſen its price to the planter, or it ſells for leſs than it would in for foreign markets; the difference is a tax paid to Britain.

" Some manufactures we could make, but are forbidden, and muſt take them of Britiſh merchants; the whole price of theſe is a tax paid to Britain.

" By our greatly increaſing the demand and conſumption of Britiſh manufactures, their price is conſiderably raiſed of late years; the advance is clear profit to Britain, and enables its people better to pay great taxes; and much of it being paid by us, is clear tax to Britain.

" In ſhort, as we are not ſuffered to regulate our trade, and reſtrain the importation and conſumption of Britiſh ſuperfluities (as Britain can the conſumption of foreign ſuperfluities), our whole wealth centers finally among the merchants and inhabitants of Britain; and if we make them richer, and enable them better to pay their taxes, it is nearly the ſame as being taxed ourſelves, and equally beneficial to the Crown.

" Theſe kind of ſecondary taxes, however, we do not complain of, though we have no ſhare in the laying or diſpoſing of them; but to pay immediate heavy taxes, in the laying, appropriation, and diſpoſition of which we have no part, and which perhaps we may know to be as unneceſſary as grievous, muſt ſeem hard meaſure to Engliſhmen, who cannot conceive, that by hazarding their lives and fortunes, in ſubduing and ſettling new countries, extending the dominion and increaſing the commerce of their Mother-nation, they have forfeited the native rights of Britons, which they think

ought rather to be given them as due to ſuch merit, if they had been before in a ſtate of ſlavery.

" Theſe, and ſuch kind of things as theſe, I apprehend, will be thought and ſaid by the people, if the propoſed alteration of the Albany plan ſhould take place. Then the adminiſtration of the Board of Governors and Council, ſo appointed, not having any repreſentative body of the people to approve and unite in its meaſures, and conciliate the minds of the people to them, will probably become ſuſpected and odious; dangerous animoſities and feuds will ariſe between the Governors and Governed, and every thing go into confuſion.

" Perhaps I am too apprehenſive in this matter; but having freely given my opinion and reaſons, your Excellency can judge better than I whether there be any weight in them, and the ſhortneſs of the time allowed me, will, I hope, in ſome degree, excuſe the imperfection of this ſcrawl.

" With the greateſt reſpect, and fidelity, I have the honour to be, your Excellency's moſt obedient, and moſt humble ſervant."

SIR, *Boſton, Dec.* 22, 1754.

" Since the converſation your Excellency was pleaſed to honour me with, on the ſubject of uniting the Colonies more intimately with Great Britain, by allowing them Repreſentatives in Parliament, I have ſomething further conſidered that matter, and am of opinion, that ſuch an union would

would be very acceptable to the Colonies, provided they had a reaſonable number of Repreſentatives allowed them; and that all the old Acts of Parliament, reſtraining the trade or cramping the manufactures of the Colonies, be at the ſame time repealed, and the Britiſh ſubjects on this ſide the water put, in thoſe reſpects, on the ſame footing with thoſe in Great Britain, till the new Parliament, repreſenting the whole, ſhall think it for the intereſt of the whole to re-enact ſome or all of them: It is not that I imagine ſo many Repreſentatives will be allowed the Colonies, as to have any great weight by their numbers; but I think there might be ſufficient to occaſion thoſe laws to be better and more impartially conſidered, and perhaps to overcome the private intereſt of a petty corporation, or of any particular ſet of artificers or traders in England, who heretofore ſeem, in ſome inſtances, to have been more regarded than all the Colonies, or than was conſiſtent with the general intereſt, or beſt national good. I think too, that the government of the Colonies by a Parliament, in which they are fairly repreſented, would be vaſtly more agreeable to the people, than the method lately attempted to be introduced by Royal Inſtructions, as well as more agreeable to the nature of an Engliſh Conſtitution, and to Engliſh Liberty; and that ſuch laws as now ſeem to bear hard on the Colonies, would (when judged by ſuch a Parliament for the beſt intereſt of the whole) be more chearfully ſubmitted to, and more eaſily executed.

" I ſhould hope too, that by ſuch an union, the people of Great Britain and the people of the Colonies would learn to conſider themſelves, not as belonging to different Communities with different intereſts, but to one Community with one intereſt, which I imagine would contribute to ſtrengthen the whole, and greatly leſſen the danger of future ſeparations.

" It is, I ſuppoſe, agreed to be the general intereſt of any ſtate, that its people be numerous and rich; men enough to fight in its defence, and enow to pay ſufficient taxes to defray the charge; for theſe circumſtances tend to the ſecurity of the ſtate, and its protection from foreign power: But it ſeems not of ſo much importance whether the fighting be done by John or Thomas, or the tax paid by William or Charles: the iron manufacture employs and enriches the Britiſh Subjects, but is it of any importance to the ſtate, whether the manufacturers live at Birmingham or Sheffield, or both, ſince they are ſtill within its bounds, and their wealth and perſons at its command? Could the Goodwin Sands be laid dry by banks, and land equal to a large country thereby gained to England, and preſently filled with Engliſh inhabitants, would it be right to deprive ſuch inhabitants of the common privileges enjoyed by other Engliſhmen, the right of vending their produce in the ſame ports, or of making their own ſhoes, becauſe a merchant, or a ſhoemaker, living on the old land, might fancy it more for his advantage to trade or make

ſhoes

ſhoes for them? Would this be right, even if the land were gained at the expence of the ſtate? And would it not ſeem leſs right, if the charge and labour of gaining the additional territory to Britain had been borne by the ſettlers themſelves? And would not the hardſhip appear yet greater, if the people of the new country ſhould be allowed no Repreſentatives in the Parliament enacting ſuch impoſitions? Now I look on the Colonies as ſo many counties gained to Great Britain, and more advantageous to it than if they had been gained out of the ſea around its coaſts, and joined to its land: For, being in different climates, they afford greater variety of produce, and materials for more manufactures; and being ſeparated by the ocean, they increaſe much more its ſhipping and ſeamen; and ſince they are all included in the Britiſh Empire, which has only extended itſelf by their means; and the ſtrength and wealth of the parts is the ſtrength and wealth of the whole; what imports it to the general ſtate, whether a merchant, a ſmith, or a hatter, grow rich in *Old* or *New* England? And if, through increaſe of people, two ſmiths are wanted for one employed before, why may not the *new* ſmith be allowed to live and thrive in the *New Country*, as well as the *old* one in the *Old?* In fine, why ſhould the countenance of a ſtate be *partially* afforded to its people, unleſs it be moſt in favour of thoſe, who have moſt merit? and if there be any difference, thoſe who have moſt contributed to enlarge Britain's

tain's empire and commerce, to increaſe her ſtrength, her wealth, and the numbers of her people, at the riſk of their own lives and private fortunes, in new and ſtrange countries, methinks, ought rather to expect ſome preference.

" With the greateſt reſpect and eſteem, I have the honour to be

Your Excellency's moſt obedient
and moſt humble ſervant."

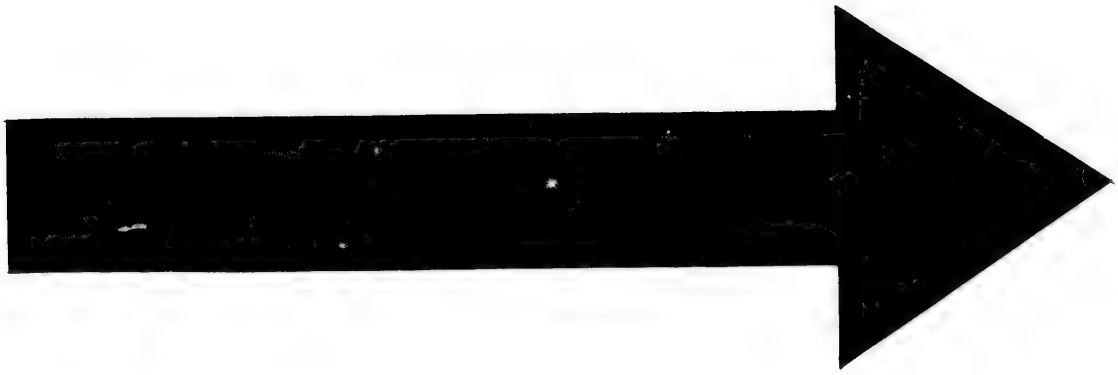
APPENDIX.

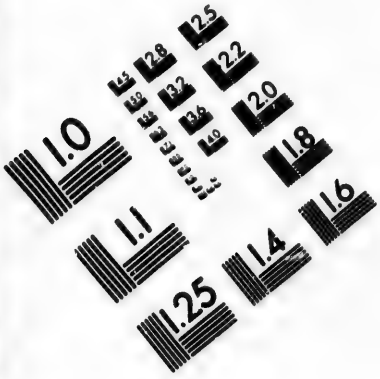
APPENDIX.

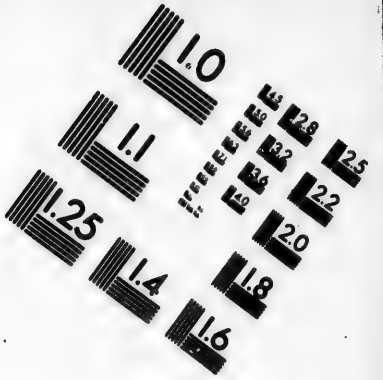
N°. II.

Extract from a Treatiſe, entitled, "Letter from a Merchant in London to his Nephew in America," written in 1766, by Dr. Tucker, Dean of Gloceſter, and now republiſhed in a Book, entitled, "Four Tracts on political and commercial Subjects."

—P. 101. "GIVE me leave to aſk you, young man, what it is you mean, by repeating to me ſo often, in every letter, the *Spirit of the Conſtitution?* I own, I do not much approve of this phraſe, becauſe its meaning is ſo vague and indeterminate, and becauſe it may be made to ſerve all purpoſes alike, good or bad. And indeed, it has been my conſtant remark, that when men were at a loſs, for ſolid arguments, and matter of fact, in their political diſputes, they then have recourſe to the *ſpirit* of the Conſtitution,







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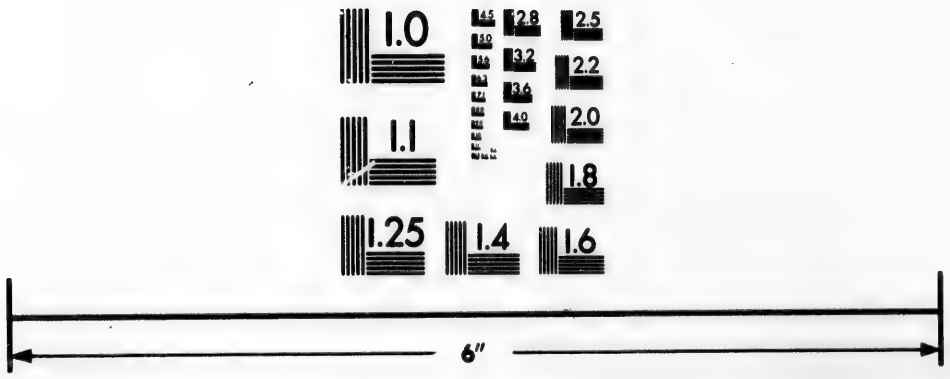

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tion, as to their laſt ſhift, and the only thing they had to ſay. An American, for example, now inſiſts, that, according to the ſpirit of the *Engliſh* Conſtitution, he ought not to be taxed without his own conſent, given either by himſelf, or by a repreſentative in Parliament, choſen by himſelf. Why ought he not? And doth the Conſtitution ſay in ſo many words, that he ought not? Or doth it ſay, that every man either hath, or ought to have, or was intended to have, a vote for a member of Parliament? No, by no means: the Conſtitution ſays no ſuch thing—But the ſpirit of it doth, and that is as good, perhaps better—Very well; ſee then how the ſame ſpirit will preſently wheel about, and aſſert a doctrine quite repugnant to the claims and poſitions of you Americans. Magna Charta, for example, is the great foundation of Engliſh liberties, and the baſis of the Engliſh Conſtitution. But, by the ſpirit of Magna Charta, all taxes laid on by Parliament, are *conſtitutional legal* taxes; and taxes raiſed by the prerogative of the Crown, without the conſent of the Parliament, are illegal. Now remember, young man, that the late tax, of duties upon ſtamps, was laid on by Parliament; and therefore, according to your own way of reaſoning, muſt have been a regular conſtitutional legal tax. Nay more, the principal end and intention of Magna Charta, as far as taxation is concerned, was to aſſert the authority and juriſdiction of the three eſtates of the kingdom, in oppoſition to the ſole prerogative of the King; ſo that if you will

now

now plead the ſpirit of Magna Charta, againſt the juriſdiction of Parliament, you will plead Magna Charta againſt itſelf."

And in page 108, the ſame author goes on as follows: "What then is it, which you have next to offer? Oh! "The unreaſonableneſs, the "injuſtice and the cruelty of taxing a free people, "without permitting them to have repreſenta-"tives of their own to anſwer for them, and to "maintain their fundamental rights and privi-"leges."—Strange! that you did not diſcover theſe bad things before—Strange! that though the Britiſh Parliament has been from the beginning, thus unreaſonable, thus unjuſt and cruel, towards you, by levying taxes on many commodities outwards and inwards, nay, by laying an internal tax, the *poſt tax* for example, on the whole Britiſh empire in America, and what is ſtill worſe, by making laws to affect your property, your paper currency, and even to take away life itſelf, if you offend againſt them. Strange and unaccountable I ſay, that after you had ſuffered this ſo long, you ſhould not have been able to have diſcovered, that you were without repreſentatives in the Britiſh Parliament of your own electing, till this enlightening tax upon paper opened your eyes, and what a pity it is that you have been ſlaves, and yet did not know that you were ſlaves until now.

"But let that paſs—for I always chuſe to confute you in your own way. Now, if you mean any thing at all by the words unreaſonable, unjuſt,

and cruel, as uſed in this diſpute, you muſt mean, *that the mother country deals worſe by you than by the inhabitants of Great Britain, and that ſhe denies certain conſtitutional rights and privileges to you abroad, which we enjoy here at home.* Now pray, what are theſe conſtitutional rights and liberties which are refuſed to you? Name them if you can. The things which you pretend to allege, are, the rights of voting for members of the Britiſh Parliament, and the liberty of chuſing your own repreſentatives.—But, ſurely, you will not dare to ſay, that we refuſe your votes when you come hither to offer them, and chuſe to poll. You cannot have the face to aſſert, that, on an election day, any difference is put, between the vote of a man born in America, and of one born here in England. Yet this you muſt aſſert, and prove too, before you can ſay any thing to the preſent purpoſe. Suppoſe therefore, that an American hath acquired a vote, as he legally may, and many have done, in any of our cities or counties, towns or boroughs; ſuppoſe that he is become a freeman or a freeholder here in England. On that ſtate of the caſe, prove if you can, that his vote was ever refuſed becauſe he was born in America—prove this I ſay, and then I will allow, that your complaints are very juſt, and that you are indeed the much injured, the cruelly treated people you would make the world believe.

" But is this ſuppoſed refuſal the real cauſe of your complaint? Is this the grievance that calls

ſo

ſo loudly for redreſs. Oh! no, you have no complaint of this ſort to make, but the cauſe of your complaint is this, that you live at too great a diſtance from the Mother-country, to be preſent at our Engliſh elections, and that in conſequence of this diſtance, the freedom of our towns, or the freeholds in our counties, as far as voting is concerned, are not worth attending to. It may be ſo, but pray conſider, if you yourſelves do chuſe to make it inconvenient for you to come and vote, by retiring into diſtant countries, what is that to us, and why are we to be reproached, for committing a violation of the birthrights of Engliſhmen, which, if it be a violation, is committed only by yourſelves—Gtanting that the Colonies are unrepreſented in the Britiſh Parliament, granting that two millions of people in America have in this reſpect no choice nor election of their own, through the neceſſity of the caſe, and their diſtance from the place of election, what would you infer from this conceſſion, and wherein can ſuch kind of topics ſupport your cauſe? For know, young man, that not only two millions, which are the utmoſt that your exaggerated accounts can be ſwelled to, I ſay, not only two millions, but ſix millions at leaſt, of the inhabitants of Great Britain, are ſtill unrepreſented in the Britiſh Parliament. And this omiſſion ariſes not from the neceſſity of the caſe, not from conſulting intereſt and convenience, as with you, but from original ideas of Gothic vaſſalage, from various caſualties and accidents, from changes in the nature of pro-

perty, from the alteration of times and circumſtances, and from a thouſand other cauſes. Thus, for example, in the great metropolis, and in many other cities, landed property itſelf hath no repreſentative in Parliament; copyholds, and leaſeholds of various kinds, have none likewiſe, though of ever ſo great a value. Moreover, in ſome towns, neither freedom nor birthright, nor the ſerving of an apprenticeſhip, ſhall entitle a man to give his vote, though they may enable him to ſet up a trade. In other towns, the moſt numerous, the moſt populous and flouriſhing of any, there are no freedoms or votes of any ſort, but all is open, and none are repreſented. And beſides all this, it is well known, that the great *Eaſt India* Company, which have ſuch vaſt ſettlements, and which diſpoſe of the fate of kings and kingdoms abroad, have not ſo much as a ſingle member, or even a ſingle vote, *quatenus* a company, to watch over their intereſts at home. What likewiſe ſhall we ſay, in regard to the prodigious number of ſtock-holders in our public funds? And may not their property, perhaps little ſhort of *one hundred millions* Sterling, as much deſerve to be repreſented in Parliament, as the ſcattered townſhips or ſtraggling houſes of ſome of your provinces in *America?* Yet we raiſe no commotions; we neither ring the alarm bell, nor ſound the trumpet; but ſubmit to be taxed without being repreſented, and taxed too, let me tell you, for your ſakes. Witneſs the additional duties on our lands, windows, houſes; alſo on

our malt, beer, ale, cyder, perry, wines, brandy, rum, coffee, chocolate, &c. &c. &c. for defraying the expences of the late war,—not forgetting the grievous ſtamp-duty itſelf; all this, I ſay, we ſubmitted to, when you were, or at leaſt you pretended to be, in great diſtreſs; ſo that neither men, almoſt to the laſt drop of blood we could ſpill—nor money, to the laſt piece of coin, were ſpared; but all was granted away, all was made a ſacrifice, when you cried out for help. And the debt which we contracted on this occaſion, is ſo extraordinary, as not to be paralleled in hiſtory. It is to be hoped, for the credit of human nature, that the returns which you have made us, for theſe ſuccours, and your preſent behaviour towards us, which perhaps is ſtill more extraordinary, may not be paralleled likewiſe.

"But as you *Americans* do not chuſe to remember any thing which we have done for you, though we and our children ſhall have cauſe to remember it till lateſt poſterity—let us come to the topic, which you yourſelves do wiſh to reſt your cauſe upon, and which you imagine to be the ſheet anchor of your ſtate veſſel. "You are not "repreſented, and you are two millions, there- "fore you ought not to be taxed." We are not repreſented and we are ſix millions, therefore we ought not to be taxed. Which now, even in your own ſenſe of things, have moſt reaſon to complain? And which grievance, if it be a grievance, deſerves firſt to be redreſſed? Be it therefore ſuppoſed, that an augmentation ought to take

take place in our Houſe of Commons, in order to repreſent in Parliament the prodigious numbers of *Britiſh* ſubjects hitherto unrepreſented. In this caſe, the firſt thing to be done is to ſettle the proportion. And therefore, if two millions (the number of perſons actually repreſented at preſent) require five hundred and fifty-eight repreſentatives (which I think is the number of our modern Houſe of Commons), How many will ſix millions require?—The anſwer is, that they will require one thouſand ſix hundred and ſeventy-four repreſentatives. Now this is the firſt augmentation which is to be made to our liſt of parliament men. And after this increaſe, we are to be furniſhed, by the ſame rule of proportion, with five hundred and fifty-eight more from the colonies. So that the total numbers will be *two thouſand ſeven hundred and ninety repreſentatives in parliament!* A goodly number truly! and very proper for the diſpatch of buſineſs! Oh, the decency of ſuch an aſſembly! the wiſdom and gravity of two thouſand ſeven hundred and ninety legiſlators, all met together in one room! What a pity is it, that ſo hopeful a project ſhould not be carried into immediate execution!"

Extract

Extract from a Pamphlet, entitled,
" The rights of Great Britain aſ-
" ſerted againſt the claims of Ame-
" rica; being an anſwer to the
" declaration of the General Con-
" greſs."

—P. 3. " NO maxim in policy is more univerſally admitted, than that a ſupreme and uncontrollable power muſt exiſt ſomewhere in every ſtate. This ultimate power, though juſtly dreaded and reprobated in the perſon of *one man*, is the firſt ſpring in every political ſociety. The great difference between the degrees of freedom in various governments, conſiſts merely in the manner of placing this neceſſary diſcretionary power. In the Britiſh empire it is veſted, where it is moſt ſafe, in King, Lords, and Commons, under the collective appellation of the legiſlature. The legiſlature is another name for the conſtitution of the ſtate, and in fact the ſtate itſelf. The Americans ſtill own themſelves the ſubjects of the ſtate, but if they refuſe obedience to the laws of the legiſlature, they play upon words, and are no longer ſubjects, but rebels. In vain have they affirmed, that they are the ſubjects of the king's prerogative, and not his ſubjects in his legiſlative quality; as the King with regard to his ſubjects in general, is to be con-

conſidered only in his executive capacity, as the great hereditary magiſtrate, who carries into effect the laws of the legiſlature, the only diſcretionary and uncontrollable power in a free ſtate.

"The diſcretionary and uncontrollable authority of the Britiſh legiſlature being granted, their right to tax all the ſubjects of the Britiſh empire can never be denied. Some ill-informed reaſoners in politics have lately ſtarted an obſolete maxim, which has been ſeized with avidity by the Americans, "That the ſupreme power cannot take "from any one, any part of his property without "his conſent," or in other words, that repreſentation is inſeparable from taxation. The Coloniſts, ſay they, have no repreſentatives in Parliament, and therefore Parliament has no right to tax the Colonies. Upon this principle, ſcarce one in twenty-five, of the people of Great Britain, is repreſented. Out of more than ſeven millions, fewer than three hundred thouſand have an excluſive right to chuſe members of Parliament; and therefore, more than three times the number of the Americans have an equal right with them, to diſpute the authority of the legiſlature to ſubject them to taxes. The truth is, repreſentation never accompanied taxation in any ſtate. The Romans were a free nation, but the ſenate, that is the great body of the nobility, poſſeſſed the ſole right of taxing the people *. In this kingdom,

* The ſpirit of the Engliſh conſtitution will in vain be ſought for, in the conſtitution of ancient Rome.

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the Houſe of Commons have an excluſive right of modifying and regulating the quantity of public ſupplies, and the manner of laying taxes. They decide upon what the legiſlature ought to receive for the ſupport of the ſtate; but the Commons, by their own authority, cannot enforce the raiſing the ſupplies they vote. That privilege is inherent in the ſupreme and unaccountable power, veſted in the three branches of the Legiſlature united, who are in fact the State, as the virtual repreſentatives of the whole Empire, and not the delegates of individuals.

" If repreſentation is virtual in Great Britain, why then is it not virtual in the Colonies? The people of the four northern Provinces, though they deny the fact in words, own it in their conduct; near one third of the corporations in New England chuſe no repreſentatives, to ſave the expence of paying their deputies. They however own the right of their Aſſemblies, to impoſe taxes, and to make laws to bind the whole community, as the repreſentatives of the whole Colony. The truth is, repreſentation has no more to do with the right of taxation, than with every other right exerciſed by the ſupreme and ſuperintending power. It is interwoven with the very eſſence of the legiſlative power, and is exerted by that power for the neceſſary ſupport of the State *.

" Why

* This example of the corporations of New England which chuſe no repreſentatives, ſtrongly illuſtrates the argument which I have ſtated. The taxes impoſed by the Aſſembly of

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" Why it has been ſo generally received, as a maxim, in this country, that taxation and repreſentation are inſeparable, requires to be further explained. Men little acquainted with the Conſtitution, derive the opinion from their finding, that it is the indiſputable right of the Commons, that all grants of ſubſidies and Parliamentary aids, ſhould originate in their Houſe. But though they firſt beſtow theſe ſubſidies and aids, their grants, as has been already obſerved, have no effect, without the aſſent of the other two branches of the Legiſlature. The common reaſon given for this excluſive privilege is, that as the ſupplies are raiſed upon the body of the people, the people only ought to have the right of taxing themſelves. This argument would have been concluſive, if the Commons taxed none but thoſe by whoſe ſuffrages they obtain their ſeats in Parliament. But it has appeared, that more than ſeven millions of people, beſides the Peers, who are in poſſeſſion of ſo large a ſhare

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the Province, are general over the whole Province, and not impoſed ſolely on any particular diſtrict. The repreſentatives of the other diſtricts, are therefore virtual repreſentatives of thoſe corporations which ſend none, becauſe they and their conſtituents are equally concerned in intereſt with the unrepreſented parts of the Province, to keep the taxes low; and this is found ſo effectual a check againſt abuſe, that one third of the corporations do not find it worth their while to ſend deputies. The ſame was the caſe anciently in England; for it is well known, that many boroughs declined ſending Members to Parliament, in order to ſave the expence of paying their deputies.

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of property in the kingdom, have no voice in the election of the Members who ſit in the lower Houſe. The Commons therefore, and their conſtituents, not being the only perſons taxed, the former cannot poſſibly have the only right of raiſing and modelling the ſupply, from the mere circumſtance of repreſentation *. But if they have it not from repreſentation, they muſt in fact derive it from the ſupreme and diſcretionary power, which is repoſed in them, in conjunction with the two other branches of the Legiſlature. It appears upon the whole, that taxation is the reſult of the diſcretionary power, which is placed in the hands of the Legiſlature, and exerted by them for the neceſſary ſupport of the State. To this power, the whole empire muſt ſubmit, and conſequently no one of its ſubjects can claim any exemption.

" The counties palatine of Cheſter, Durham, and Lancaſter, were anciently in the ſame predicament with the Americans, on the article of taxation. The Earl of Cheſter, and the biſhop of Durham, became, by preſcription and immemorial cuſtom, poſſeſſed of a kind of regal juriſdiction, within their reſpective territories. A ſimilar form of government was eſtabliſhed by King Edward the Third, in the county of Lancaſter,

* It would require too long a diſcuſſion to ſhew the fallacy of this reaſoning. I believe it can be made very clear, that in the feudal Governments, all aide or taxes were made by the conſent of the people who paid them, and repreſentation was by degrees ſubſtituted in place of actual attendance to vote.

which was created by that prince in favour of Henry Plantagenet, whoſe heireſs carried the ſame rights and privileges to John of Gaunt and his poſterity; but though the ſubordinate Sovereigns of theſe counties could pardon treaſons, murders, and felonies, though they appointed all judges, nominated all juſtices of the peace, though all writs and indictments ran in their names, as in other counties in that of the King, though all offences were ſaid to be done againſt their *peace*, and not as in other places *contra pacem domini regis*, though in ſhort they poſſeſſed excluſively, the whole internal government of their ſeveral counties, their *ſubjects*, if the expreſſion may be uſed, were "always bound by the acts and ſtatutes" of an aſſembly, in which they had no repreſentatives. They were alſo "liable to all payments, rates, and ſubſidies "granted by the parliament of England."

"Theſe counties, it muſt be confeſſed, like the Americans, conſidered their being excluded from having repreſentatives, in an aſſembly by which they were taxed, a grievance. Accordingly the town and county of Cheſter, as far back as the 35th of Henry the Eighth, petitioned the legiſlature for the privilege of ſending Members to Parliament, and their requeſt was granted by an expreſs ſtatute. The county and city of Durham made a ſimilar application, and with the ſame ſucceſs, in the 25th of Charles the Second. Had the Americans, inſtead of flying to arms, ſubmitted the ſame ſuppoſed grievance, in a peaceable and dutiful

ful manner to the Legiſlature, I can perceive no reaſon why their requeſt ſhould be refuſed. Had they, like the county and city of Cheſter, repreſented, that "for lack of knights and burgeſſes "to repreſent them in the high Court of Parlia-"ment, they had been often times *touched and* "*grieved* with acts and ſtatutes, made within "the ſaid Court, derogatory to their moſt "ancient juriſdictions, liberties, and privileges, "and prejudicial to their quietneſs, reſt, and "peace;" this country would, I am perſuaded, have no objection to their being repreſented in our Parliament.

"But the Colonies, though that circumſtance is only inſinuated in the declaration, have uniformly affirmed, that granting the ſupremacy of parliament ſhould extend over the whole empire, yet that they themſelves have a right to an exemption from taxes, either by the conceſſions of the Legiſlature, or by charters from the King. It ſeems incompatible with reaſon, ſay they, that the Colonies ſhould have internal legiſlatures of their own, poſſeſſing the authority of taxation, and that, notwithſtanding, the Britiſh Parliament ſhould retain its power of laying impoſts. The firſt of theſe aſſertions is not founded in truth, and the charters neither give, nor can give, an exemption from taxation."

It is unneceſſary to enter into a diſcuſſion of ſeveral queſtionable poſitions in theſe quotations. They are only here inſerted, to ſhow, that theſe diſtin-

diſtinguiſhed writers conceived, that the right of Parliament to tax the *unrepreſented* part of England, ſtands exactly on the ſame footing with their right to tax America. I conceive, on the contrary, that I have ſufficiently explained the important diſtinction there is between the two caſes, a diſtinction to which a proper attention has not been given, and which conſtitutes, in my apprehenſion, the true and eſſential merits of this great queſtion.

APPENDIX.

N°. III.

A Gentleman at Paris having given a copy of this Pamphlet to Dr. Franklin, he received the following letter, which he tranſmitted to me, explaining a miſtake into which I had fallen, with reſpect to the nature of Mr. Grenville's propoſitions to the Colonies, concerning the Stamp Act. I have ſince read Dr. Franklin's examination at the Bar of the Houſe of Commons in the Committee on the Repeal of the Stamp Act in Spring 1766. And I find, that he then aſſerted, in preſence of Mr. Grenville, That he had delivered to him the Reſolution of Pennſylvania referred to in the following letter, while the Stamp Act was under conſideration, and before the Bill was brought in.

I think it my duty therefore to lay the matter fairly before the Public, by publiſhing Dr. Franklin's account of that matter.

Copy of a Letter from Dr. Franklin.

" Dear Sir, *Paſſy, March 12th*, 1778.

" In the pamphlet you was ſo kind as to lend me, there is one important fact miſ-ſtated, appa-

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rently from the Writer's not having been furniſhed with good information. It is the tranſaction between Mr. Grenville and the Colonies, wherein he underſtands that Mr. Grenville demanded of them a ſpecific ſum; that they refuſed to grant any thing; and that it was on their refuſal only that he made the motion for the Stamp Act. No one of theſe particulars is true. The fact was this:

"Some time in the winter of 1763-4, Mr. Grenville called together the Agents of the ſeveral Colonies, and told them, that he purpoſed to draw a revenue from America, and to that end his intention was to levy a ſtamp duty in the Colonies, by act of Parliament in the enſuing Seſſion; of which he thought it fit they ſhould be immediately acquainted, that they might have time to conſider it; and if any other tax equally productive would be more agreeable to them, they might let him know it. The Agents were therefore directed to write this to their reſpective Aſſemblies, and communicate to him the anſwers they ſhould receive. The Agents wrote accordingly. I was a member in the Aſſembly of Pennſylvania when this notification came to hand.—The obſervations there made upon it were:

That the ancient eſtabliſhed and regular method of drawing aids from the Colonies had ever been this: The occaſion was always firſt conſidered by their Sovereign in his Privy Council, by whoſe ſage advice he directed his Secretary of State to write circular letters to the ſeveral

veral Governors, who were directed to lay them before their aſſemblies. In thoſe letters, the occaſion was explained for their ſatisfaction, with gracious expreſſions of his Majeſty's confidence in their known duty and affection, on which he relied, that they would grant ſuch ſums as ſhould be ſuitable to their abilities, loyalty, and zeal for his ſervice.—That the Colonies had always granted liberally during the late war; that the King, ſenſible they had granted much more than their proportion, had recommended it to Parliament five years ſucceſſively, to make them ſome compenſation, and the Parliament accordingly returned them 200,000 *l.* a-year to be divided among them. That the propoſition of taxing them in Parliament was therefore both novel and unneceſſary. That by the conſtitution of the Colonies their buſineſs in matters of aid was with the King; they had nothing to do with any financier in England nor his projects, nor he with them; nor were the Agents the proper canals through which requiſitions ſhould be made. It was therefore improper for them to enter into any ſtipulation, or make any propoſition to Mr. Grenville, about laying taxes on their conſtituents by Parliament, which had really no right at all to tax them; eſpecially as the notice he had ſent them of a revenue to be required of them, did not appear to be the King's order, and perhaps was without his knowledge; as the King, when he would obtain any thing of them, always accompanied his requiſition with good words; but this

Gentleman, inſtead of a decent demand, ſent them a menace, that they ſhould certainly be taxed, and only left them the choice of the manner. But all this notwithſtanding, they were ſo far from refuſing to grant money that they reſolved to the following purpoſe, " That as they " always had, ſo they always ſhould think it their " duty to grant aids to the Crown according to " their abilities, whenever required of them in " the uſual conſtitutional manner." I went ſoon after to England, and took with me an authentic copy of this reſolution, which I preſented to Mr. Grenville before he brought in the Stamp Act. I mentioned in the Houſe of Commons (Mr. Grenville being preſent) that I had done ſo, and he did not deny it. Other Colonies made ſimilar Reſolutions.

" And had Mr. Grenville, inſtead of that Act, applied to the King in Council for ſuch requiſitorial letters to be circulated by the Secretary of State, I am ſure he would have obtained more money from the Colonies by their voluntary grants, than he himſelf expected from his Stamps. But he choſe to uſe compulſion rather than perſuaſion, and would not receive from their goodwill, what he thought he could obtain without it. And thus " the golden bridge" which the ingenious Author thinks the Americans " unwiſely " and unbecomingly refuſed to hold out to the " Miniſter and Parliament," was actually held out to them, but they refuſed to walk over it. This is the true hiſtory of that tranſaction. And

as it is probable there may be another Edition of that excellent Pamphlet, I wish this may be communicated to the candid Author, who I doubt not will correct that error. I am ever, with sincere esteem,

Dear Sir,

Your most obedient humble Servant,

(Signed) B. FRANKLIN."

APPENDIX.

N°. IV.

Copy of a Letter wrote by Governor Johnſtone to the Chairman of the Eaſt India Company, when the Propoſition for ſending the Company's Tea to America was in Agitation.

SIR,

THE frequent General Courts of late, and the diſagreeable diſcuſſions reſpecting the affairs of the Eaſt India Company at both ends of the Town, have ſo haraſſed and ſoured the greater part of the Proprietors of Eaſt India Stock, that I do not chuſe to run the riſk of their diſpleaſure by calling them together on the ſubject of the Tea to be ſent to North America, concerning which I delivered my ſentiments ſo fully in the laſt General Court; beſides the buſineſs having now paſſed the Court of Directors aided by all the influence of Adminiſtration, under whoſe political craft I know this ruinous mad project was concerted, and is now carried into execution; from theſe circumſtances, I am ſenſible it would be a vain effort to oppoſe the torrent, and ſerve only

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to diſturb my own friends, as well as the other Proprietors, by ſummoning them together: But I cannot permit ſuch a meaſure to paſs without ſtating in indelible characters my objections and ſolemn proteſt: You know how often we have had occaſion to appeal to a paper of a ſimilar nature, which my friend Mr. Dempſter and I gave in againſt the exorbitant powers given to Lord Clive. I wiſh the Company and the Nation may not have occaſion to regret this meaſure as much: My judgment tells me they will: I am ſure the Company on every alternative muſt.

1. Becauſe, ſuppoſing the Company quietly to ſucceed in their project, it is contrary to the principles of their eſtabliſhment to become the circulators of their own commodities, particularly to North America, where, to ſell to advantage, there muſt be long credits, and to realize the returns, there muſt be a circuitous commerce, incompatible with the purpoſe for which the Eaſt India Company was eſtabliſhed; and therefore it cannot anſwer the end of ſupplying us with caſh in the preſent exigency.

2. Becauſe ſpeedy and certain payments under the Public Sales, endured by Law, is the beſt method of conducting the trade of the Company, and much more ſo at preſent, conſidering our great Debt and the heavy Intereſt we pay; beſides, that we may be ſure if there is really a vent at any particular market, private adventurers will find out the means of introducing the commodity better than a Company. And although the price

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at our ſales may be low, yet I am perſuaded, calculating intereſt of money, charges, loſs, inſurance, factorage, &c. &c. that the profit will be more by adhering to the old method than the new, on cloſing and balancing the account; beſides, I think this new method injurious to the merchants of England. If the Company graſp at the diſtributive channels of commerce as well as the monopoly, the nation will not bear it.

3. Becauſe this is aiding Government in continuing the moſt uncommercial Tax that ever was impoſed, to enforce a principle the moſt unjuſt and odious to all the People of North America, and contrary to the intereſt of the Eaſt India Company, who ſhould, of all the members of the community, join with the Americans the moſt ſtrenuouſly in obtaining the repeal of this Law. To give a drawback to encourage the exportation of a commodity, and to impoſe a duty at the place of the conſumption 1200 leagues off, is ſuch a ſoleciſm in the rules of commerce, that it requires a combination of ſuch heads as now govern this country; fiirſt to impoſe it, then to enforce it, and now to continue it.

Laſtly. If it is ſaid, as was alledged in the Houſe of Commons, that the Provincial combinations in North America prevents private merchants from purchaſing at the ſales, becauſe they cannot vend the commodity, then I object more forcibly on this account than any other.

Becauſe, in this caſe, the Eaſt India Company is becoming the odious tool of Adminiſtration

to force a conteſt upon a ſubject that might die away or be repealed, where the Company runs innumerable riſks with their property—where they injure their own intereſt by continuing the Tax, if they prevail: but where is it moſt probable the whole will be loſt by accumulating charges, the frauds of agents, and the violence of mobs. I am, &c.

(Signed) GEO. JOHNSTONE.

FINIS.